

# **TAXI LICENSING POLICY & GUIDANCE**

# **PART A**

## **1. FOREWORD**

### **1.0 FOREWORD**

1.1 We believe that taxis are an integral part of the public transportation system and a part of the infrastructure of our society. There are few people who have not used a taxi service for some purpose at some time, whether for business, domestic or social purposes.

1.2 Society takes the provision of such a service, whether private hire (PH) or hackney carriage (commonly referred to as taxis), largely for granted and expects that the journey will be without incident or concern. We believe that this is exactly as it should be and that taxi passengers simply want a reliable, efficient and effective service delivered in a safe and secure manner.

1.3 However, while we recognise that there are many hardworking licence holders, within the industry, who are rightly proud of the service they provide, any service to the public is a potential target for the less scrupulous in society. This may include those who might use their position to exploit the travelling public, for example by demanding more than the legal fare or to abuse them or their property (e.g. when carrying vulnerable individuals such as children or unaccompanied females).

1.4 In view of these concerns, we believe that the service of providing a driver and vehicle to convey persons from one place to another needs to be appropriately regulated to prevent the less than honest or able persons from undertaking such work, or, more appropriately to allow only those individuals and vehicles that are safe and suitable to undertake such work.

1.5 However, we also recognise, that while licensing of the taxi and PH trades seeks to protect the public from the unscrupulous, too restrictive an approach can work against the public interest. This can potentially create barriers of entry to the trade, restricting the supply of taxi services, and subsequently, having unintended safety implications (e.g. resulting in insufficient taxis to ensure the vulnerable get home safely). We therefore want to ensure that each of our licensing requirements is suitably justified and proportionate to the risks we seek to address and that the costs incurred are commensurate to the benefits.

1.6 In summary, we want to enable good business for all concerned by providing quality, timely and value for money taxi licensing and regulatory services that reasonably ensures the safety and protection of both the public and other road users and provides for a suitable, good quality and efficient public transportation service for all. This document sets out how we intend to do this within the existing legislative framework and other constraints.

## **PART B**

### **2. INTRODUCTION & SCOPE**

#### **2.1. SUMMARY**

2.2. This document sets out South Somerset District Council's (SSDC) taxi licensing policy in recognition of its role and functions as the relevant licensing authority for hackney carriage and private hire vehicles, drivers and operators.

2.3. In preparing this document, we have considered various guidance documents, case law, and have consulted with and considered the responses made by the individuals, agencies and organisations set out in **appendix A**.

2.4. This policy document was endorsed and recommended for approval to Full Council by the Licensing Committee meeting on the 8<sup>th</sup> April 2014 and ratified by Full Council on 6<sup>th</sup> November 2014. While subject to review, this document shall constitute SSDC's taxi licensing policy.

#### **2.5. INTRODUCTION & SCOPE**

##### **2.6. Background**

2.7. The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, together with a variety of other statutes provide the legislative framework throughout England & Wales (excluding London) for regulating the provision and activities of hackney carriages (commonly referred to as 'taxis') and private hire vehicles.

2.8. Under this legislation, SSDC along with other local authorities is responsible for the licensing of hackney carriages and/or private hire vehicles, their drivers and operators. We are also responsible for a range of other taxi-related matters, for example hackney carriage fares.

##### **2.9. Status**

2.10. This document sets out the policies and arrangements the licensing authority will normally apply and consider in carrying out its taxi licensing functions and responsibilities. This document will therefore be used to inform and direct our decision making, particularly when

making decisions on relevant licence applications, other authorisations and/or exemptions. It acts as a guide to the considerations and standards to be applied in our licensing work together with the roles and responsibilities of those to whom it applies.

2.11. The document is not intended to be a full and/or authoritative statement of the law or its associated guidance and does not in any way constitute legal advice. The relevant statutory provisions together with any subordinate legislation will take precedence.

### **2.12. Applicability**

2.13. This document applies to the functions of SSSDC as a licensing authority under the various taxi-related statutes and to related activities within the District of South Somerset as defined in **appendix B**.

### **2.14. Other documents and references**

2.15. Where appropriate, this policy should be read in conjunction with the following documents -

(a) SSSDC Enforcement and compliance policy; and

(b) SSSDC Guidance notes for applicants (various).

(c) Hackney Carriage & Private Hire Vehicle National Inspection Standards (with the exception of the requirement in relation to privacy glass)

### **2.16. Disclaimer**

2.17. Please note that every effort has been made to ensure that the information in these pages is correct at the time of writing. Changes in the law will take precedence and will be incorporated when this policy is next reviewed. Policies may change and/or be adopted in the meantime.

## **PART C**

# **3. LICENSING PRINCIPLES, OBJECTIVES & GENERAL CONSIDERATIONS**

### **3.1. GENERAL**

3.2. A number of different authorisations and licenses may be sought, held or applied for under the various statutory provisions relating to hackney carriages and private hire vehicles, drivers and operators. The policies and considerations to be applied will generally depend on the nature of the authorisation sought / held and/or the circumstances of the case.

### **3.3. General application of policies, objectives and considerations**

3.4. Paragraphs 3.7 to 3.27 and section 4 are of general applicability and will normally be used for any function of the licensing authority.

### **3.5. Guidance, policies and considerations for specific authorisations**

3.6. The sections set out below will normally be used for the specific licensing regime to which it refers.

<b>Driver Licensing</b>	See Part E	From page 14
<b>Vehicle Licensing</b>	See Part F	From page 44
<b>Operator Licensing</b>	See Part G	From page 78

### **3.7. FUNDAMENTAL PRINCIPLES & OBJECTIVES**

#### **3.8. Licensing objectives**

3.9. We will aim to regulate taxi-related activities in the public interest and will, where appropriate, seek to enable good business for all concerned. We will endeavour to do this by providing quality, timely and value for money taxi licensing and regulatory services that reasonably ensure –

- (a) the safety and protection of both the travelling public and other road users; and
- (b) the provision of a suitable and efficient public transportation service for all.

### **3.10. Other general principles**

3.11. Where appropriate the licensing authority will -

- (a) be objective;
- (b) consider any matter on its own individual merits; and
- (c) consider any impact on the licensing objectives.

### **3.12. OTHER RELEVANT CONSIDERATIONS**

#### **3.13. Licensing policy and guidance**

3.14. In exercising its functions, the licensing authority will, where appropriate, have regard to -

- (a) this taxi licensing policy; and
- (b) any guidance issued by or on behalf of the relevant Secretary of State (e.g. Department for Transport).

#### **3.15. Integration of policies, strategies and objectives**

3.16. The licensing authority may, where it is entitled to do so have consideration for the aims, objectives and findings of any published government strategies and plans which relate to its licensing objectives.

3.17. For these purposes, government strategies and plans are taken to mean those prepared and published by or on behalf of HM Government, South Somerset District Council and / or any other statutory authority with responsibilities within the area concerned.

### **3.18. Departure from guidance and policy**

3.19. The licensing authority may, where it is entitled to do so, use its discretion to depart from this policy and any other guidance where it considers it appropriate to do so and, in such cases, will give clear reasons for any departure.

## **3.20. DUPLICATION & OTHER RELEVANT LEGISLATION**

### **3.21. General expectation of compliance**

3.22. The licensing authority expects those to whom it has granted any authorisation to fully comply with all other relevant legislation (e.g. Health & Safety, HMRC requirements) applicable to their premises, vehicle and/or their activities. The licensing authority will, subject to circumstances, seek to avoid duplication with other regulatory regimes in delivery of its functions.

### **3.23. Other authorisations and permissions**

3.24. The licensing authority expects those providing licensable activities to ensure that they have obtained all necessary permissions before proceeding e.g. landowner permission, permits etc. A licence to provide, drive or operate a hackney carriage and/or private hire vehicle does not, and shall not be taken to give or imply approval for any other activity regulated by this or any other authority.

Prospective applicants are advised to check to ensure that their proposals / arrangements are suitably authorised in **all** respects.

### **3.25. Planning permission and building control requirements**

3.26. The licensing authority notes that the use of premises (e.g. for the operation of private hire vehicles) may be subject to control by the local Planning Authority and that such uses may require planning permission or must otherwise be lawful under planning legislation. Planning permission is usually required for new premises and/or a change of use of premises while building control approval is often required for alterations.

3.27. While relevant applications (e.g. for an operator's licence) may be made pending any necessary planning permission, the licensing authority expects these normally to be made by businesses with planning consent for the property and uses concerned. However, the licensing authority would impress that planning, building control and licensing are separate legislative regimes that involve consideration of different (though often related) matters. In view of this, and so as to ensure a clear separation of planning and licensing systems, licensing applications will, in all cases, be considered wholly independently of planning applications. However, so as to ensure

compliance with the law, the licensing authority will, where appropriate, advise the local Planning authority of receipt of any relevant premises-based application.

## **PART D**

# **4. GENERAL ADMINISTRATIVE ISSUES**

### **4.1. APPLICATIONS & NOTICES**

#### **4.2. Equality of opportunity**

4.3. Subject to the requirements of the relevant statutory provisions, nothing in this taxi licensing policy shall override or undermine the right of any individual or business -

(a) to apply for one or more of the authorisations and/or exemptions provided for and, where appropriate, to have that application considered on its individual merits;

(b) who is aggrieved by the decision of the licensing authority to appeal against that decision to the Courts where provision has been made for them to do so.

#### **4.4. Making an application**

4.5. So as to ensure suitable contact with and assessment of applicants, all applications must be made in person and on appointment with an officer of the licensing authority. However, while it is not the purpose of this document to detail how to make an application for any relevant authorisation, the licensing authority will maintain basic guidance notes for applicants on its website ([www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)).

#### 4.6. Submission of applications and notices

4.7. All applications and notices must be made to the licensing authority detailed below –

<b>The Licensing Authority</b>	<b>Telephone:</b> 01935 462462
South Somerset District Council	<b>Email:</b>
Council Offices	licensing@southsomerset.gov.uk
Brympton Way	<b>Website:</b>
Yeovil	www.southsomerset.gov.uk
BA20 2HT	

#### 4.8. Validity of applications or notices

4.9. The licensing authority will, normally, only accept and, where appropriate, process applications and notices that **fully** comply with all relevant requirements and eligibility criteria. Applications and/or notices will normally be treated as being invalid where they fail to comply with all relevant requirements.

4.10. We may return or 'hold' the application depending on the nature of any problem with it. Where we 'hold' an application and/or receive application documents and submissions on a 'piecemeal' basis, applications will only be treated as validly made when we receive the **last** required submission necessary to comply with the relevant requirements. In these circumstances, we will normally treat any timescales for processing and/or determination of the application as having been reset from the date of last submission.

4.11. The licensing authority will normally refuse an application where the applicant persistently fails to supply required information without reasonable cause or otherwise within any reasonable timescale we may specify.

#### 4.12. Safeguarding against fraud

4.13. So that it can satisfy itself against forgeries and the potential for fraud, the licensing authority will normally require all submissions to be original documents. Photocopies, scans and similar will **not** normally be accepted.

4.14. We will treat any document as being invalid where it is not in original form, cannot be validated or where we otherwise suspect it may have been forged, improperly altered or tampered with.

4.15. Where appropriate, and for the reasons given above, individuals who have changed their name for any reason at any time must also provide supporting documents giving effect to their change of name (e.g. marriage certificate, deed poll, divorce papers etc).

#### **4.16. Suitable equivalent documents, certifications and standards**

4.17. In recognition that there may be different service providers and/or different levels of qualification for many of the submissions required, the licensing authority may, where appropriate, accept suitable equivalent documents, and/or certification where the proposed equivalent –

- (a) provides for / covers / certifies the same (or enhanced) content or standards (in all respects) to that originally stated; and
- (b) is readily verifiable; and
- (c) is subject to prior written approval of acceptance by the licensing authority.

#### **4.18. Renewal and lapse of existing licences**

4.19. In an effort to be helpful, 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.

4.20. Licence holders who allow their licence to expire will be unlicensed and therefore not authorised to act or otherwise provide the activities for which the licence was originally required. For this reason, applications for renewal which are made after the date of expiry of any pre-existing licence will normally be treated as being invalid/void and, individuals will normally be required to make a new application in full as though applying for the first time. It is therefore in each licence holder's self-interest to ensure that any application for renewal is made in full and in good time.

#### **4.21. Disclaimer**

4.22. The licensing authority accepts no liability for rejection, loss or delays incurred due to late submission, the submission of documents of questionable validity or the submission of an incomplete application.

## **4.23. USE & EXCHANGE OF INFORMATION**

### **4.24. Data protection and exchange of information**

4.25. The licensing authority will comply with the Data Protection Act 1998 but may use personal information about individuals to process applications for a licence and maintain the Council's customer records, to carry out its licensing functions including correspondence and enforcement and/or to prevent or detect crime. For these purposes it may share personal information with, and obtain information from, other parts of the Council or outside organisations.

4.26. The licensing authority may disclose all such information to its agents, service providers and other Council departments.

4.27. Individuals on whom we hold information have the right to ask for a copy of the information in order to correct any inaccuracies. We may charge a fee for this work.

4.28. By submitting an application or notice all individuals consent to the licensing authority using and processing sensitive and / or personal data about them where this is necessary.

### **4.29. Confidential information**

4.30. The licensing authority recognises that it is subject to legal restrictions on confidentiality of certain information it requires and holds in order to determine applications for, and/or to supervise, the various licences it issues (e.g. medical data, criminal conviction and similar background disclosures).

4.31. In exercise of its duties, the licensing authority will only disclose such information, as may be necessary, to those involved in the determination of relevant applications in accordance with the Council's constitution and scheme of delegation. The licensing authority will not divulge any such information to any third party otherwise than where it is required to do so by law.

### **4.32. Storage and use of confidential information**

4.33. Confidential information will be used and stored in accordance with SSDC's policy, will be kept in strict confidence and will not be retained longer than is necessary –

(a) beyond the term and duration of the licence for which it was required; or

(b) where appropriate, until it is replaced by more up-to-date information (e.g. between medicals).

#### **4.34. Change of details, name or address**

4.35. To allow communications and ensure that authorisations remain valid, licence holders must keep the licensing authority advised (as soon as possible) of any change of name, address or contact details. Where appropriate the licensing authority may check any change of details and require suitable proof of identity and evidence of the change(s) made.

4.36. As the licensing authority may have urgent cause to contact licence holders in circumstances and situations that may affect public safety or protection (e.g. vehicle safety recalls, missing person enquiries etc), the licensing authority will take a serious view of any individual who fails to advise it of any relevant change in details.

### **4.37. PUBLIC REGISTER & PROVISION OF INFORMATION**

#### **4.38. Public registers**

4.39. The licensing authority maintains a public register of the authorisations that it issues, together with other information.

4.40. Details on the public register will be provided to members of the public on request, for a small fee. A hard copy of the register is available at South Somerset District Council, Council Offices, Brympton Way, Yeovil, BA20 2HT telephone (01935) 462462. Public registers may also be maintained electronically on our website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk).

### **4.41. DELEGATION OF FUNCTIONS**

#### **4.42. Exercise and delegation of functions**

4.43. In the interests of speed and efficiency the licensing authority will, where possible, delegate licensing decisions and functions to officers. Where the issue to be decided is in any way controversial then it may be referred to and decided by the relevant Licensing Committee or Sub-Committee. Within these general constraints, functions, responsibilities and access to confidential information will be delegated in accordance with the Council's scheme of delegation.

## **PART E**

### **5. DRIVER LICENSING**

#### **5.1. GENERAL**

5.2. This policy document applies to individuals who seek or are otherwise entitled to drive a hackney carriage and/or private hire vehicle that would ordinarily be described as a standard motor vehicle. Separate policies and requirements may apply to applicants and drivers of non-standard vehicles e.g. stretched limousines, novelty vehicles (e.g. converted fire engines), and/or other non-motorised modes of transportation (e.g. pedicabs, horse and carriage etc).

#### **5.3. Driver licensing requirements**

5.4. It is the view of the licensing authority that separate driver licences must be held by and, where appropriate, issued in respect of any individual wishing to drive a hackney carriage and/or private hire vehicle. .

5.5. However, for ease of administration and reduced costs to applicants, it is the policy of the licensing authority to issue drivers with dual badges that entitle them to drive both hackney carriages and private hire vehicles

#### **5.6. Parallel procedures**

5.7. The statutory and practical criteria and qualifications necessary to obtain a private hire driver's licence are, subject to certain exceptions, similar to those necessary to obtain a hackney carriage driver's licence (whether on first-time grant or renewal). Unless otherwise stated, Part E therefore applies equally to both private hire and/or hackney carriage drivers.

#### **5.8. THE TERM AND DURATION OF DRIVER LICENCES**

5.9. By way of facilitating -

(a) a reasonable operating period;

- (b) a reasonably frequent period to monitor and review licensed activities, medical fitness and other background checks; and
- (c) the synchronisation of licences and relevant checks (e.g. DBS disclosures); ... the licensing authority will, where appropriate, normally grant or renew a hackney carriage and/or private hire driver's licence for a period of 3 years; this being the statutory maximum. However, the licensing authority may, using its discretion, grant driver licences of shorter duration where it considers this to be reasonable or appropriate in the circumstances (e.g. to facilitate synchronisation of licences).

5.10. Without affecting its discretion, the licensing authority may limit the term or duration of a driver's licence in the following (and similar) circumstances -

- (a) in accordance with any work permit(s) and/or restrictions (see pp 5.26);
- (b) where any warning as to future conduct has been given;
- (c) where there is a medical issue/condition;
- (d) where there are age-related medical policy considerations (see pp 5.62);
- (e) where the driver has applied for exemption from carriage of assistance dogs (see pp 5.81);
- (f) where the driver has applied for exemption from carriage of wheelchair users and/or the handling of luggage etc (see pp 5.81);
- (g) where the driver plans to move to a different job or area;
- (h) where the driver plans to retire at a set time;
- (i) to synchronise the licence with any other licence, application and/or policy requirements.

## **5.11. ELIGIBILITY CRITERIA**

### **5.12. Age of Drivers**

5.13. Subject to any other age-related policies and providing they meet the eligibility criteria and application standards, the licensing authority will normally disregard the age (as an isolated consideration) of any individual in determining their suitability to hold a hackney carriage and/or private hire driver's licence.

5.14. However, the licensing authority notes that entitlements to drive some categories of motor vehicles are age restricted by law and it may therefore apply, on condition, an age restriction on the use of some vehicles. For example, conversion/adaptation of a minibus to a private hire vehicle does not alter the vehicles original weight or classification and/or the driving licence restrictions and entitlements applicable to drive the vehicle (at a minimum age of 21).

### **5.15. Fit and proper person**

5.16. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 state that the licensing authority cannot grant a licence to drive a hackney carriage and/or private hire vehicle unless satisfied that the applicant is a 'fit and proper person' to hold such a driver's licence.

5.17. As the term 'fit and proper person' is not defined in law, the licensing authority will, where appropriate, seek to ensure that applicants and existing licence holders are both safe and suitable on demonstration that they are, and continue to be -

(a) fit (mentally and physically) and in such condition as to be capable of driving and performing the duties of a licensed hackney carriage and/or private hire driver;

(b) of suitable background, character and integrity (including being suitably professional, responsible, reliable, sober, honest, trustworthy, civil, decent, courteous and respectable in both manner and appearance);

(c) of suitable knowledge, experience and skills to drive and/or perform the duties of a licensed hackney carriage and/or private hire driver;

(d) entitled and, where appropriate, authorised to live, work and/or drive and perform the duties of a licensed hackney carriage and/or private hire driver in the UK; and

(e) suitably insured to drive and perform the duties of a licensed hackney carriage and/or private hire driver in the UK.

### **5.18. General requirements**

5.19. Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a licence should be granted or whether conditions should be attached.

5.20. For driver licensing purposes, the licensing authority considers the following as reasonably necessary and will, where appropriate, require applicants and existing licence holders to provide and/or facilitate -

(a) suitable immigration and asylum status and/or work entitlement documents (see pp 5.26);

(b) a suitable DBS disclosure (see pp 5.35);

(c) suitable certificate(s) of good conduct (see pp 5.49);

(d) a suitable declaration of previous application/licensed taxi driver history (see pp 5.58);

(e) a suitable report of medical fitness (see pp 5.62);

(f) a suitable GB driving licence. (see pp 5.85);

(g) a DSA or equivalent hackney carriage/private hire driving assessment

(h) a suitable DVLA drivers licence disclosure (see pp 5.89);

(i) a suitable demonstration of knowledge, skills and experience (see pp 5.100); This to include a wheelchair loading assessment (where applicable) and a certificate of training completion in disability awareness.

(j) suitable certification of public liability insurance (see pp 5.146).

### **5.21. Other requirements**

5.22. In addition, and for reasons explained below, the licensing authority will, where appropriate, require applicants and existing licence holders to provide -

(a) suitable photographs (see pp 5.150);

(b) suitable demonstration of any other knowledge, experience and skills considered appropriate in the circumstances (from pp 5.100);

(c) details of any mitigating and/or aggravating factors associated with one or more of the above.

5.23. Further to pp 5.20(b) above, and in recognition that local knowledge and intelligence concerning individual applicants can help inform its determination of 'propriety', the licensing authority will, where appropriate, invite the Avon & Somerset Constabulary to comment on any application for the grant (i.e. on first-time application) of a hackney carriage and/or private hire driver's licence.

### **5.24. POLICIES, STANDARDS AND RELEVANCE OF FITNESS & PROPRIETY REQUIREMENTS**

5.25. While the policies, standards and considerations applicable to each of the above matters are set out below, these matters should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may require additional information, documents, or other certifications it reasonably considers necessary to enable it to determine whether a licence should be granted and, where appropriate, if conditions should be attached to any such licence. In all cases, the costs of any requirements must be met by the applicant.

### **5.26. Immigration and asylum status and/or entitlements**

5.27. By way of compliance with Immigration & Asylum legislation, it is the policy of the licensing authority to check an individual's immigration and asylum status; together with an individual's right to live and/or work in the UK.

5.28. To check these matters, the licensing authority will normally require applicants to provide suitable and sufficient documents as proof of identity and the right to live and work in the UK. For this purpose, the licensing authority will normally follow and apply the extant Home Office (and Border Agency) guidelines for the prevention of illegal working in the UK (or suitable equivalent).

5.29. Where appropriate, the licensing authority may check with, and/or refer any concerns about an individual's immigration and asylum status or their right to live and/or work in the UK to the relevant Government departments; currently the UK Border & Immigration Agency and HM Revenue & Customs.

### **5.30. Relevance of immigration and asylum status to driver licences**

5.31. 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 otherwise obtain suitable and sufficient evidence of identity and/or the right to live and work in the UK.

5.32. Where appropriate, the licensing authority will normally grant licences in accordance with any work permit(s) and/or restrictions and may, where it is entitled to do so, impose associated conditions and/or restrictions on the term, duration, nature and extent of any licence accordingly.

### **5.33. Criminal Records & Similar Background Checks**

5.34. As hackney carriage and/or private hire drivers work closely with all sections of society, including children and the vulnerable, the licensing authority believes that criminal record and similar background checks are particularly important safety measures in assessing the suitability of applicants for driver licensing purposes.

### **5.35. Disclosure & Barring Service (DBS) Mandate & Disclosure**

#### **5.36. DBS mandate & disclosure requirements**

5.37. Further to pp 5.34, and to assist it in the determination of 'propriety', it is the policy of the licensing authority that all applicants should submit a suitable mandate, together with such documents as provide suitable proof of identity, to allow the licensing authority to obtain a suitable DBS disclosure.

5.38. In recognition of the different levels of disclosure offered by the DBS and of the importance of obtaining all relevant information necessary to ensure public safety, it is the policy of the licensing authority to require and accept only 'enhanced' DBS disclosures.

### 5.39. The frequency of DBS disclosure checks

5.40. To ensure currency and relevance the licensing authority will require applicants to submit a DBS mandate and disclosure on initial application and, where appropriate, on renewal every three years. However, further to pp 5.34, the licensing authority may require additional DBS disclosure checks to be undertaken at any time it is considered necessary. Where applicants have subscribed to the DBS update service, then provided the applicant has consented to allow access to their DBS record, this check can be carried out electronically.

### 5.41. Obtaining a DBS disclosure

5.42. For reasons of data protection and compliance with the registration requirements of the DBS the licensing authority will only accept DBS disclosures that -

- (a) have been applied for through South Somerset District Council (being an approved/registered body with the DBS to apply for such disclosures); and
- (b) have been applied for the specific purposes of obtaining (whether on grant or renewal) a hackney carriage and/or private hire driver's licence; and
- (c) have been applied for in accordance with the extant DBS identification checking guidelines (or equivalent).

5.43. For the reasons detailed above, the licensing authority will **not** accept disclosures, copies or summaries of disclosures obtained by, for or on behalf of a third party. The only exception to this will be as in 5.40 (above) where the applicant has produced a DBS certificate obtained for another authority and has consented to allow an online check to be completed with the DBS update service. **NB:** A third party non-refundable fee is payable for the DBS disclosure service.

### 5.44. Additional DBS requirements and relevance

5.45. On occasion, additional checks on the applicant's identity (including external validation and/or physical checks (e.g. fingerprints)) may be required by the DBS before a disclosure can be issued. The licensing authority will **not** grant a hackney carriage and/or private hire driver's licence to any applicant that fails to comply with any additional requirements of the DBS (to their satisfaction) or otherwise fails (for whatever reason) to provide any necessary information to enable the requisite disclosure to be issued. **NB:** A non-refundable third party fee may be payable for additional checks and/or external verification.

#### **5.46. Portability enquiries**

5.47. At its absolute discretion, the licensing authority may respond to so called 'portability enquiries' made to it about DBS disclosures from bona fide third party agencies. For these purposes, bona fide third party agencies shall be taken to mean those with a legitimate regulatory interest associated with the use of a hackney carriage and/or private hire driver's licence (e.g. Somerset County Council Social Services for the purpose of driver checks in awarding driving contract work for the carriage of juveniles and vulnerable adults).

5.48. However, the licensing authority notes that the practice of making 'portability' enquiries is not supported by the DBS and will therefore only disclose information on receipt of such an enquiry with the express written consent of the applicant driver. The licensing authority accepts no liability for any injury, damage or loss arising from or in connection with any reliance placed on the information subsequently disclosed.

#### **5.49. Certificate(s) of Good Conduct**

5.50. The licensing authority recognises that a DBS disclosure (see pp 5.35) will only give background details of any convictions, cautions etc that were effected in the UK. It is therefore the policy of the licensing authority to require, where appropriate, a certificate of good conduct (or suitable equivalent document) from any applicant who has been resident in any country (other than the UK) for any length of time since the age of ten (i.e. the UK age of criminal liability) or, where appropriate, since any (pre)existing licence was granted.

5.51. For the purposes of this general policy requirement, the licensing authority will normally -

(a) interpret the term 'resident in any country' in its widest possible meaning and to include any period other than work deployments or holidays of less than 6 months duration or any period of service in HM armed forces.

(b) require a certificate of good conduct (or suitable equivalent document) to be provided in respect of each country in which the applicant may have previously lived.

**NB:** The licensing authority notes that different countries and jurisdictions may recognise and use a different minimum age of criminal liability. Where appropriate, a statement of good conduct must reflect the relevant minimum age of criminal liability for the country concerned.

#### **5.52. Additional requirements of certificates of good conduct**

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

(a) translated and submitted in written English;

(b) authenticated/certified as a true and accurate record by the relevant Embassy; and

(c) dated within 6 months of the date of submission or within a period otherwise considered appropriate in the circumstances.

#### **5.54. Relevance of certificates of good conduct**

5.55. 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.

5.56. 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.

5.57. By way of providing for some background history, the exceptional arrangements referred to in pp 5.56 will normally only be applied where the applicant can demonstrate a minimum of five years official residency in the UK prior to application. Where appropriate, alternative investigations and/or validation of documentation may be undertaken through relevant agencies such as Interpol.

#### **5.58. Previous Application / Licensed Taxi Driver History**

5.59. Further to pp 5.34, and in recognition that applicants may previously have applied for and/or held licences that may have been refused, suspended and/or revoked by other authorities, the licensing authority requires all applicants to declare -

(a) whether or not any such applications have previously been made to any other licensing authority, the date of any such application, together with details of (i.e. the reasons for) the outcome; and/or

(b) whether or not any such licences have previously been held with any other licensing authority, the dates any such licences were held, together with the details of any actions that resulted in suspension, revocation and/or the refusal to renew any such licence.

**NB:** Where appropriate, the licensing authority will check the status and outcome of any other applications made to and/or licences held with other authorities together with the reasons for any actions that may have been taken in connection with them.

## **5.60. Relevance of convictions etc & background information**

5.61. The licensing authority will normally determine the relevance of convictions etc and any other background information it receives by reference to the policies and general guidelines set out at **appendix C**.

## **5.62. Medical fitness to drive / perform licensed driver duties**

### **5.63. Medical requirements**

5.64. To determine 'fitness' of the applicant and as recommended best practice by the Department for Transport (DfT), it is the policy of the licensing authority that applicants be required to submit a suitable report on their medical fitness.

### **5.65. Relevant medical standards**

5.66. As recommended best practice by the Department for Transport (DfT), the licensing authority will normally consider and determine medical and physical fitness standards to drive a hackney carriage and/or private hire vehicle by reference to the extant Group II standards of medical fitness applied by the DVLA.

### **5.67. General frequency of medical checks**

5.68. To ensure currency and relevance the licensing authority will normally require applicants to submit a suitable medical report on initial application and then (if granted) every five years on renewal following their 45<sup>th</sup> birthday. This generally follows Group II medical standards).

5.69. However, in order to protect the safety of those using licensed vehicles and/or those who may otherwise be put at risk from unfit drivers (e.g. other road users etc), the licensing authority considers it legitimate and proportionate to require more frequent and/or additional medical assessments in the following circumstances. Where appropriate, the costs of any additional requirements shall be met by the applicant.

### **5.70 Age-related frequency of medical checks**

(a) In recognition that physical deterioration and medical conditions generally become more prevalent with age, the licensing authority will normally require an annual medical examination on initial grant and/or for each renewal following the 65<sup>th</sup> birthday of any applicant. This generally follows Group II medical standards.

### **5.71 Diabetes-related frequency of medical checks**

(a) In accordance with the DVLA Group II medical standards (see pp 5.65), individuals with insulin treated diabetes will normally be required to submit on initial grant, and annually thereafter, an examination report by an independent Consultant Diabetologist. This report must include a review of, and be accompanied by, twice daily blood glucose level records for the previous 3 month period. **NB:** This specialist report must be provided in addition to the general medical report outlined at pp 5.64.

### **5.72. Obtaining a medical report**

5.73. So as to ensure, so far as is reasonably practicable, consideration of medical standards against all relevant histories and records, the licensing authority will normally require general medical reports to be completed by the applicants own general practitioner (GP) or GP's surgery. So as to ensure a suitable degree of impartiality, any specialised medical reports / information required by the licensing authority must be completed or provided by an independent specialist consultant in the field concerned. Third party non-refundable fees may be payable for these services and must be met by the applicant.

5.74. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that medical reports be -

- (a) in prescribed form;
- (b) completed / submitted in written English;
- (c) authenticated by and/or bear the stamp of the relevant surgery; and
- (d) dated within 3 months of the date of submission.

### **5.75. Other medical check requirements**

5.76. Given the variety of conditions that may affect an individual's ability to drive or otherwise perform the duties of a licensed driver, the licensing authority may require, and where appropriate, condition a requirement for, additional medical information or assessments as may be considered appropriate in the circumstances. To assist it in determination of fitness, the licensing authority may also, where appropriate, require an applicant to submit to examination or review (i.e. a face to face assessment) by the Council's independent medical advisor (or suitable equivalent).

5.77. The licensing authority also notes that some disabilities may be (in)compatible with the ability to drive and/or perform the duties of a licensed hackney carriage and/or private hire driver (e.g. carriage of luggage, (un)loading of passengers in wheelchairs etc).

5.78. Where appropriate, an applicant or licensed driver who has, or develops, a disability or condition (cognitive or physical) that affects their ability to drive and/or perform the duties of a licensed driver may also be required to be medically assessed at an approved assessment centre. This accords with the Group II medical standards which list the approved assessment / mobility centres concerned.

**NB:** This specialist report must be provided in addition to the general medical report outlined at pp 5.64.

### **5.79. Relevance of medical reports**

5.80. Where appropriate, the licensing authority will normally refuse applications (whether on grant or renewal) from any applicant who does not meet the given medical standards and/or otherwise fails to provide any relevant information or attend any review on request. Similarly, the licensing authority may suspend and/or revoke an existing hackney carriage and/or private hire driver's licence where appropriate.

### **5.81. Medical exemptions**

5.82. The licensing authority recognises that some medical conditions can be made worse by the nature and type of work an individual performs, and that some conditions may prevent certain types of activity. For this purpose, the licensing authority will normally allow the following exemptions from the normal duties of a licensed hackney carriage and/or private hire driver where satisfied that there are good medical reasons to do so.

(a) **Exemption from the carriage of assistance dogs** - may be permitted where the licensing authority is satisfied of any condition such as severe asthma or allergy, which is aggravated by contact or exposure to dogs.

(b) **Exemptions from the carriage of luggage and/or handling of wheelchair users** – may be permitted where the licensing authority is satisfied of any condition (e.g. musculoskeletal pain), which is aggravated by the carriage and/or manual handling of heavy loads.

5.83. To ensure transparency and fairness, the licensing authority will normally grant an exemption certificate where the applicant driver can provide suitable medical evidence (at their own expense) and, where appropriate, a medical history of the condition concerned to the satisfaction of the Council's independent medical advisor. This may require an applicant to attend examination or review (i.e. a face to face assessment) by the Council's independent medical advisor (or suitable equivalent).

5.84. Further to the general policy of accessibility of vehicles and in recognition of the requirements of the law, the licensing authority will, where appropriate, grant an exemption certificate, showing the photograph of the driver, that must, on condition, be displayed in the vehicle at all times the driver is working.

#### **5.85. Authorisation to Drive a Motor Car**

5.86. Section 51(b) and 59(b) of the Local Government (Miscellaneous Provisions) Act 1976 states that the licensing authority **cannot** grant a hackney carriage and/or private hire vehicle driver's licence to any person who has not –

(a) for at least twelve months been; and/or

(b) is not at the date of the application for a taxi driver's licence,  
... the holder of a full driving licence (i.e. not a provisional licence) suitably authorising him to drive a motor car.

#### **5.87. Accepted types of driving licence**

5.88. To be eligible to count towards this requirement, the licensing authority will normally require and accept one of the following licences which shows the applicant is entitled to drive the vehicle(s) they intend to drive (i.e. they possess the correct category entitlement(s)); namely -

(a) a valid ordinary GB driving licence issued by the DVLA; or.

(b) a valid ordinary driving licence issued by Northern Ireland, the EEA states and subsequent Accession States to the EU; or

(c) a valid 'exchangeable' ordinary licence as defined in the Road Traffic Act 1988 (or suitable equivalent).

### **5.89. Other driving licence requirements – GB Counterpart and DVLA mandate for Data Subject Enquiry (DSE) disclosure**

5.90. The licensing authority is aware that paper driving licences, photocard and counterparts can be unreliable guides to an individual's eligibility to drive. For example –

(a) endorsements and penalties incurred in the UK cannot be affixed to non-GB driving licences, unless the licence is registered with the DVLA and the licence holder has applied for a GB counterpart.

(b) failure to submit a driving licence to the DVLA to record any endorsements may result in automatic revocation of the licence; rendering the driver, often unknowingly, unlicensed and uninsured.

5.91. In view of the above, the licensing authority will normally require all applicants to submit (both on initial grant and on every renewal)

(a) A valid GB issued licence that bear the current address of the applicant where (s)he is ordinarily resident in the UK; and

(b) a suitable mandate that allows the licensing authority to obtain their full driving licence records held by the DVLA (a so-called 'Data Subject Enquiry' (DSE)). A third party non-refundable fee may be payable for this service.

### **5.92. Obtaining DVLA records**

5.93. For reasons of data protection, compliance with the registration requirements of the DVLA and control of the information subsequently disclosed, the licensing authority will normally accept DSE disclosures that -

(a) have only been applied for through South Somerset District Council (being an approved / registered body with the DVLA to apply for such records); and

(b) have only been applied for the specific purposes of obtaining (whether on grant or renewal) a hackney carriage and/or private hire driver's licence.

5.94. For the reasons detailed above, the licensing authority will not normally accept copies or summaries of disclosures obtained by, for or on behalf of a third party regardless of whether a DSE disclosure can be supplied directly by the applicant.

### **5.95. Additional DSE disclosure requirements**

5.96. As endorsements, disqualifications and penalties may be applied at any time during the term of a licence, the licensing authority may require additional DSE checks to be undertaken at any time it is considered necessary in the circumstances.

### **5.97. Relevance of driving licence and DVLA mandate**

5.98. As it will be unable to satisfy itself of their authorisation to drive, the licensing authority will **not** grant a hackney carriage and/or private hire driver's licence to any applicant that fails to provide –

(a) a valid GB driving licence.

(b) any necessary information to enable a DSE disclosure to be issued.

5.99. With reference to any DSE disclosure, the licensing authority will normally determine the relevance of any penalty points, endorsements and disqualifications etc and any other information it receives with reference to the policies and general guidelines set out at **Appendix C**.

### **5.100. Suitable & Sufficient Knowledge, Skills & Experience**

5.101. The licensing authority believes that the general role and responsibilities of a hackney carriage and/or private hire driver demands high standards in driving and customer service. It also believes that such competencies can impact on both public safety, comfort and passenger experience; particularly for the vulnerable, those with disabilities and other medical conditions. Paid / professional drivers therefore require relevant knowledge, skills and experience to safely and effectively discharge their role and responsibilities to their passengers and others.

5.102. For these reasons, the policies and requirements set out between 5.103 and 5.145 below will normally be applied.

### **5.103. Driving Standards & Proficiency Assessment**

5.104. The licensing authority notes that driving skills and abilities can vary with age, driving style, experience, differences in driving environments, social and/or cultural norms (e.g. driving on the left / right) etc. Accordingly, it is the policy of the licensing authority to ensure that those who provide a hackney carriage and/or private hire driving service can demonstrate a sufficient level of driving

competence commensurate with the provision of a public transportation service (i.e. at an elevated level above the DVLA learner driver test (or equivalent)).

5.105. For these reasons, the licensing authority will normally require all first-time applicants to submit a suitable certificate of completion (form TPH10) of a driving standards and proficiency assessment specifically designed for hackney carriage and/or private hire vehicle drivers by the Driving Standards Agency (DSA) (or suitable equivalent). A third party non-refundable fee may be payable for this (or a similar) service.

5.106. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that relevant pass certificates be dated within 6 months of the date of submission. Moreover, as assessments are at an elevated level and specifically designed for prospective hackney carriage and/or private hire vehicle drivers, this requirement shall apply regardless of the date on which the applicant may have taken any other test to gain a full (or any other) driving licence.

#### **5.107. Limitations and relevance of driving standards assessments**

5.108. As we consider driving standards and proficiency to be a core competence of a hackney carriage and/or private hire vehicle driver, the licensing authority will normally refuse to grant a hackney carriage and/or private hire driver's licence to any individual who does not submit a suitable pass certificate for the requisite assessment.

#### **5.109. Disability Awareness Training & Wheelchair loading assessment for taxis and private hire vehicles**

5.110 Further to pp5.101 above, the licensing authority will require all applicants to submit a pass certificate from a recognised training provider to demonstrate that they have attended a suitable course of instruction in disability awareness, in addition the licensing authority notes that some wheelchair users may require driver assistance to safely enter, travel in and alight from a licensed vehicle. Accordingly, it is the policy of the licensing authority to ensure that those who provide a wheelchair accessible driving service can demonstrate a sufficient level of competence in the (un)loading, security and safety of wheelchair users to a level commensurate with this role.

5.111. For these reasons, the licensing authority will normally require all first-time applicants that seek to provide a wheelchair accessible service, to submit a suitable certificate of completion (form WTA10) or equivalent of an enhanced wheelchair (un)loading assessment specifically designed for hackney carriage and/or private hire vehicle drivers by the Driving Standards Agency (DSA) (or suitable equivalent). A third party non-refundable fee may be payable for this (or a similar) service.

5.112. To ensure authenticity, currency and efficiency of use, the licensing authority will, where appropriate, require that relevant pass certificates be dated within 6 months of the date of submission.

#### **5.113. Limitations and relevance of wheelchair loading assessments**

5.114. As the safety of passengers, drivers and other road users is a key objective, the licensing authority will normally refuse to grant a hackney carriage and/or private hire driver's licence to any wheelchair accessible service provider who does not submit a suitable pass certificate for the requisite assessment.

#### **5.115. Tests of knowledge**

5.116. Further to pp 5.101 above, the licensing authority notes that –

(a) taxi fares are usually related to the time and distance travelled and it is therefore appropriate to ensure that licensed drivers know the shortest and/or most expedient route(s) to avoid unnecessarily high fares being charged to the customer (i.e. consumer protection);

(b) licensed drivers providing services to the general public do not generally have the opportunity to check the details of a route before starting; whereas, hackney carriages are usually directly available for hire at ranks or on the street, the drivers of private hire vehicles may receive concurrent bookings through their operator (e.g. via radio, computer, mobile communications device or similar); and

(c) further to (a) and (b) above, road works, diversions, traffic jams, traffic accidents etc mean that it is not always appropriate to rely on satellite navigation equipment or similar.

5.117. Accordingly, it is the policy of the licensing authority to ensure that those who provide a hackney carriage and/or private hire driving service to the general public have a good working knowledge of the area in which they are licensed and of the Highway Code. The licensing authority will therefore normally require all first time applicants to pass a test of knowledge that will include questions on the Highway Code, hackney carriage & private hire legislation, basic numeracy, English comprehension and routes and directions.

#### **5.118. Stringency of tests of knowledge**

5.119. By way of ensuring that these tests do not comprise an unnecessarily high obstacle or barrier of entry into the trade, the licensing authority will seek to keep the tests under review and ensure that the stringency of each test reflects the extant Highway Code and/or the complexity or otherwise of local geography and highway infrastructure.

5.120. The licensing authority will ensure that its knowledge tests are conducted in accordance with its knowledge test policy and procedures outlined at **Appendix D**.

#### **5.121. Alternative test for restricted private hire drivers**

5.122. It is the view of the licensing authority that some private hire drivers who provide limited, non-public driving services (e.g. executive chauffeur services, stretched limousine services etc) do not need a thorough working knowledge of the area in which they are licensed. Such services are usually exclusively booked up front for a defined period or journey (typically going outside the borough) and such that the driver has the opportunity to research and plan the journey well in advance. Similarly, these journeys are not usually subject to immediate concurrent bookings.

5.123. For this reason, and subject to all other licensing requirements being met, it is the policy of the licensing authority to offer applicants who provide exclusively limited, non-public driving services a more limited knowledge test.

5.124. However, in recognition of the different tests undertaken by those who do / do not undertake general public work, any licence granted on the basis of the alternative test will be known and marked as a 'restricted' private hire driver licence and normally be subject to conditions restricting the driver to the particular activity/service concerned. Consequently any upgrade of a 'restricted' private hire driver's licence to a standard private hire driver's licence and/or to include a hackney carriage driver's licence will normally require the applicant to pass the standard test (at the applicants own expense) before the upgrade can be made.

#### **5.125. Costs of knowledge test**

5.126. As the satisfactory completion of the knowledge test is largely dependent on the attitude, diligence, and effort of the applicant, the licensing authority will normally charge a separate fee at the standard rate for each test taken.

5.127. To cover its costs of administration and by way of encouraging attendance, the licensing authority will also charge a separate fee at the standard rate where applicants are late or fail to attend any accepted test appointment without reasonable excuse.

#### **5.128. Limitations and relevance of knowledge test**

5.129. So as to allow applicants to reflect upon the test questions and / or prepare more thoroughly, the licensing authority will normally allow, where eligible, applicants that fail any part of the Knowledge or Highway Code tests to re-sit a different test after a suitable period (see pp 5.131).

5.130. However, as a general indication of propriety regarding attitude, diligence and effort of the applicant, the licensing authority will normally allow applicants to take up to a maximum of three separate tests in total. Subject to pp 5.131, the licensing authority will normally refuse to grant a hackney carriage and/or private hire driver's licence to any individual who does not pass the test within these limits for a period no less than six months after the last test was taken.

5.131. The period and ability to re-sit a test will normally depend on the demonstrable effort and commitment of the applicant; as generally evidenced by the level and degree of test results and, where appropriate, their progression.

#### **5.137. Other 'relevant knowledge and skills'**

5.138. Further to pp 5.101 above, and in determination of an applicant's fitness and/or propriety, the licensing authority will also take account of any other factor that may be relevant to the conduct of a licensed hackney carriage and/or private hire vehicle driver and anything the applicant may say about himself or his application. This may include the following (or similar) issues -

- (a) Handling emergencies;
- (b) Day to day vehicle maintenance and care;
- (c) Knowledge of licensing law and/or conditions;
- (d) Driving standards and proficiency;
- (e) Knowledge and skills in managing conflict / difficult situations; and
- (f) Knowledge and skills in meeting the needs of people with disabilities.

5.139. The licensing authority is aware of various assessments, courses and vocational qualifications (some specifically designed for hackney carriage and/or private hire vehicle drivers) that can help to determine the knowledge and skills possessed. However, it considers that these may not produce benefits, which are proportionate to the costs involved or the broader obstacles they may create to entry to the trade. Accordingly, the above examples should not be seen as a comprehensive or exhaustive checklist, or in any way be regarded as matters to be addressed in all cases. The licensing authority will require applicants or existing licence holders to undertake suitable assessments, courses and/or qualifications only where it considers it appropriate in the circumstances.

5.140. For these purposes, the licensing authority may consider assessments, courses and/or qualifications necessary where there are one or more demonstrable indications of poor standards, practices, customer service or other similar concerns connected to the role of a hackney carriage and/or private hire driver. For example -

- (a) where there are multiple driving licence endorsements, disqualifications etc;
- (b) where there are previous complaints about driving standards, practices or service etc;
- (c) where the individual has been involved in one or more vehicle accidents etc;
- (d) where the applicant has made any frivolous or vexatious complaints about others etc (see pp 5.143).

**NB:** Where appropriate, the costs of any such requirements must be paid for by the applicant

5.141 While such qualifications etc. are not necessarily a mandatory requirement to apply for a hackney carriage and/or private hire drivers licence, the licensing authority recognises the increasing needs and profile of its residents, visitors and the area generally through the development of RNAS Yeovilton, Yeovil Town Football Club & Augusta Westland and events such as the Yeovilton Air Day etc. It will therefore keep these matters under review and may require specific training or assessments to be undertaken in the future.

**5.142. What we mean by ‘frivolous and vexatious’**

5.143. With reference to 5.140(d) above, the licensing authority will generally consider whether complaints are frivolous or vexatious on the basis of fact and degree given the individual circumstances of each case. However, in deciding if complaints fall within these terms, the licensing authority will normally consider -

- (a) who is making the complaint, and whether there is a history of making complaints that are not relevant or otherwise unsubstantiated;
- (b) if the complaints raise a ‘relevant’ issue; or
- (c) if the complaints raise issues specifically to do with the premises, vehicle or activities that are the subject of a relevant application or the actions of a relevant licence holder.

5.144. By way of informing our approach, a vexatious complaint will normally be taken to mean one that is repetitious, without foundation or made for some other reason such as malice. A frivolous complaint will normally be taken to mean one that is insignificant, lacking in seriousness, or one that does not relate to the role of a relevant licence holder.

### **5.145. Public Liability Insurance**

5.146. The licensing authority recognises that hackney carriage and/or private hire driver's often perform duties other than driving passengers from A to B as part of their daily business e.g. carriage and loading of luggage, assistance of passengers (including the elderly and wheelchair passengers) etc. For this reason, the licensing authority will normally require applicant's to provide and, on condition, maintain a suitable policy of public liability insurance that adequately covers any damage, loss or injury to any third party (e.g. customers and other members of the public) or property that may arise during the course of a driver's day to day activities.

5.147. For this purpose, the licensing authority will normally take a suitable policy of insurance to mean valid public liability insurance that (a) covers up to £5 Million for each and every claim in respect of any damage, loss or injury arising from the activities of the driver; and (b) indemnifies the driver while performing his taxi driver duties both in and outside (i.e. away/remote from) the vehicle (e.g. carriage of luggage and/or provision of assistance to a customer's home etc).

5.148. In an effort to ensure that suitable public liability insurance is maintained for the term and duration of any licence issued, the licensing authority will normally require renewal applicants to submit all relevant public liability insurance documents held in respect of their activities over the term and duration of their (pre)existing licence.

### **5.149. Driver Photographs**

5.150. Section 54(1) of the Local Government (Miscellaneous Provisions) Act 1976, requires the licensing authority to issue a driver's badge (where appropriate) that clearly shows, amongst other matters, the applicant's appearance at the time of application.

5.151. For this purpose, the licensing authority will normally require applicants (both on initial grant and each renewal) to –

(a) allow the licensing authority to take (and freely reproduce for the purposes of administration and supervision of the drivers licence) a suitable digital colour photograph of the applicant; or

(b) submit, at their own expense, a suitable passport sized (45mm by 35mm) colour photograph of themselves on photographic paper.

5.152. 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, veil or similar) and without a head covering.

### **5.153. SPECIAL POLICIES FOR RENEWAL OF DRIVER LICENCES**

#### **5.154. Third party documents and applications for renewal**

5.155. Mindful of the time it can take for third party documents (e.g. DBS disclosures, etc) to be returned (usually between 2 to 12 weeks, sometimes much longer), the licensing authority will normally issue a hackney carriage and/or private hire driver's licence on application for renewal -

(a) providing that a full and valid application for renewal of an existing hackney carriage and/or private hire driver's licence has been made before the (pre)existing licence expires (i.e. all licensing requirements are met);

(b) providing that, in addition to any other requirements, the applicant signs a satisfactory declaration in respect of any change in background (e.g. driving entitlement issues) arising over the term of the (pre)existing licence; and

(c) on condition that there is no adverse information revealed on any subsequent background check (e.g. DBS disclosure etc) that would, in the opinion of the licensing authority, normally render the applicant unsuitable to hold a hackney carriage and/or private hire driver's licence.

5.156. Where a hackney carriage and/or private hire driver's licence is issued on renewal in reliance with pp 5.155(c) and relevant information is later revealed that may render the applicant unsuitable to hold a hackney carriage and/or private hire driver's licence, the licensing authority may –

(a) suspend and/or revoke the renewed licence.

(b) subsequently require annual checks (or other such period as may be considered appropriate in the circumstances);

(c) subsequently require an annual declaration (or other such period as may be considered appropriate in the circumstances).

## **5.157. CONDITIONS OF DRIVER'S LICENCE**

### **5.158. Private Hire vehicle drivers**

5.159. Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to attach such conditions to a private hire vehicle driver's licence as may be considered reasonably necessary.

5.160. The conditions that the licensing authority generally considers reasonably necessary and will normally be applied in respect of private hire vehicle drivers are detailed in **Appendix E**.

**NB:** The general conditions referred to above should not be seen as a comprehensive or exhaustive list of conditions or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may remove, modify and/or attach additional and/or alternative conditions appropriate to the individual circumstances of the case (e.g. to restrict driving activities in accordance with 5.14 above). Where appropriate, any condition(s) will comply with the policy at **Appendix E**.

### **5.161. Hackney carriage drivers**

5.162. By law, the licensing authority is not permitted to attach conditions to a hackney carriage driver's licence but may formally regulate standards etc through the adoption of local byelaws instead. South Somerset had adopted local byelaws in relation to hackney carriages. The licensing authority will attach those conditions detailed in **appendix E** by way of advising drivers of the standards expected of them and to enable them to comply with the extant byelaws.

### **5.163 Standards of Conduct and Dress**

5.164. Regardless of any conditions or byelaws and, in providing a customer-based public transportation service, the licensing authority considers it appropriate that both hackney carriage and/or private hire driver's should –

(a) behave professionally, responsibly and courteously to customers, other road users and the public in general at all times (i.e. good conduct); and

(b) help promote safety, the professional image of the hackney carriage and/or private hire trades and the image of its district in general.

5.165. With reference to pp 5.164(b) above and by way of encouraging both the profile and professional image of the licensed trades and that of the district in general, the licensing authority considers it appropriate that licensed drivers conform to an acceptable standard of dress. For this purpose, the licensing authority will normally consider the suitability of dress in terms of cleanliness, image, decency (i.e. inoffensive) and public and/or driver safety.

#### **5.166. Relevance of conditions, standards of conduct and dress**

5.167. Failure to comply with any conditions or any aspect of good conduct or dress, will not necessarily result in enforcement action, but may, where appropriate, be used as an indicator of propriety. Where appropriate, breach of conditions or standards may result in advice, warnings, suspension, revocation and/or refusal to renew a licence.

#### **5.168. Commencement of hiring & obtaining fares**

5.169. In recognition of the requirements to provide reasonable assistance to passengers and the time this can take (see pp 5.172), the licensing authority will normally require, on condition, that taximeters (where fitted) only be engaged (where appropriate) from the commencement of the hiring of the vehicle.

5.170. The licensing authority notes that it can be relatively easy for dishonest taxi drivers to defraud members of the public by for example, overcharging, ‘warming’ the taximeter and/or unnecessarily prolonging a journey or waiting time. Accordingly, for reasons of consumer protection, the licensing authority will take a serious view of any incident where a fare has been inappropriately demanded and/or obtained.

#### **5.171. Accessibility Issues**

5.172. To ensure the provision of an efficient public transportation service to all, the licensing authority expects and will normally require, on condition, subject to any medical exemption (see pp 5.81), licensed drivers to provide reasonable assistance to all passengers where appropriate. For these purposes, this may include –

- (a) the carriage and handling of luggage (including shopping etc);
- (b) the assistance of individuals entering and/or alighting from the vehicle (whether or not the individual uses a wheelchair); and/or
- (c) the carriage of assistance dogs with the passenger (at no extra charge).

5.173. However, the licensing authority recognises that there may be some circumstances where the provision of such assistance may give rise to risks to the health and safety of drivers, passengers and others. For example, the size and weight of a wheelchair and/or passenger (whether combined or in isolation) may be too heavy for the individual driver to safely handle and/or assist into or out of the vehicle. Where appropriate, the licensing authority may permit a departure from this general policy requirement and allow a refusal of a fare, but only where –

- (a) all reasonable attempts have been made to provide a service to the customer;
- (b) there is a significant risk to the health and safety of the driver, passengers and/or others;
- (c) reasonable attempts have been made to source an alternative service to the customer;
- (d) the refusal is suitably justified in all other respects.

#### **5.174. Association of drivers**

5.175. 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, as soon as is reasonably practicable, of the start and/or finish date of their affiliation with the operator concerned.

#### **5.176. OTHER CHANGES OF CIRCUMSTANCES & DETAILS**

##### **5.177. Changes to medical status/fitness and/or ability to perform licensed driver duties**

5.178. Further to pp 5.62, the licensing authority expects and will, on condition, require relevant licence holders to advise it, as soon as is reasonably practicable, 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 (see pp 5.62). Individuals are therefore encouraged to discuss/report any change in medical circumstances with the licensing officer.

5.179. In recognition that medical (un)fitness can impact both on driver and public safety, the licensing authority will take a serious view of any licensed driver who fails, without reasonable excuse, 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.

5.180. 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 Council's independent medical advisor. Where appropriate, the policies and standards set out between pp 5.62 and pp 5.84 will apply.

#### **5.181. Changes to criminal background and status**

5.182. Further to pp 5.34, the licensing authority expects and will, on condition, require relevant licence holders to advise it, as soon as is reasonably practicable, of any change to their criminal record and/or status. The licensing authority similarly expects and requires licence holders to notify it about any arrest, formal reprimand, warnings, fixed penalty notice and/or licence endorsements etc issued by the police or any other authority. The licensing authority similarly expects licence holders to notify it of any court cases (whether civil or criminal) listed or pending against them during the term of their licence.

5.183. In recognition that such matters can give rise to public safety and/or driver 'propriety' concerns, the licensing authority will take a serious view of any relevant licence holder who fails, without reasonable excuse, to inform it of any change to their criminal background or status etc; particularly where they drive/operate and derive a monetary benefit from their activities.

5.184. For these purposes, the policies and standards set out between pp 5.33 and pp 5.61 will apply to all information disclosed, submitted or volunteered by relevant licence holders subject to a change in their background or status.

#### **5.185. DRIVERS INVOLVED IN AN ACCIDENT OR OTHER INCIDENT**

5.186. In recognition that incidents and 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 an incident are suitably assessed in respect of their fitness, driving standards and/or eligibility. For similar reasons, vehicles involved in an accident are subject to similar review arrangements (see pp 6.176).

5.187. Where appropriate, the licensing authority will normally assess any driver involved in an incident in accordance with any of the general requirements and policies detailed above. This may include, but not be limited to a requirements of the driver to -

- (a) submit a suitable mandate that allows the licensing authority to obtain an enhanced DBS disclosure (see pp 5.35); and/or
- (b) submit a suitable report (of prescribed form) and other such information concerning their medical and physical fitness (see pp 5.62); and/or
- (c) submit to a suitable examination or review (i.e. a face to face assessment) by the Council's independent medical advisor (see pp 5.62); and/or
- (d) submit a suitable mandate that allows the licensing authority to obtain their full driving licence records held by the DVLA (c/o a Data Subject Enquiry)(see pp 5.89); and/or
- (e) submit suitable evidence of relevant knowledge and skills (see pp 5.100).

5.188. Where appropriate, the licensing authority has powers to suspend and/or revoke a driver's licence, or otherwise allow the individual to continue in the capacity of a licensed hackney carriage and/or private hire driver (whether or not pending any specified requirements etc). In determination of any action to be taken following an incident, the licensing authority will normally have regard to -

- (a) The nature and seriousness of the incident;
- (b) The circumstances giving rise to any incident etc;
- (c) The continuing fitness and/or eligibility of the driver to drive;
- (d) The nature and extent of any penalty/sentence imposed;
- (e) The nature, degree and/or frequency of any other accidents or incidents in which the driver has been involved;
- (f) The nature and extent of any real, potential and/or perceived harm caused by the incident;

(g) The nature and extent of any risk/threat that the driver may pose to the public;

(h) The honesty of the individual/driver (i.e. in declaring any incident and/or its details etc); Any other aggravating or mitigating factors (e.g. under the influence of drink/drugs/medication etc);

**NB:** The above considerations should not be seen as a comprehensive checklist or, in any way, be regarded as matters to be automatically addressed in all cases. Where appropriate, the licensing authority may require additional information, documents, and/or take account of other matters it reasonably considers necessary to enable it to determine the most appropriate action/outcome.

### **5.189. Working / driving hours**

5.190. With reference to pp 5.188(a) and (b), the licensing authority notes that licensed hackney carriage and/or private hire drivers can generally choose the hours they work. In recognition that long hours may give rise to driver fatigue (i.e. public safety), the licensing authority will take a serious view where public safety may be / have been put at risk through driver fatigue and/or the working of excessive hours.

### **5.191. Use of mobile phones and other devices**

5.192. With reference to pp 5.188(a) and (b), the licensing authority notes that the risks of using mobile phones and similar devices while driving are well documented. In recognition of the public safety risks and the technological alternatives, the licensing authority will take a serious view where public safety may be / have been put at risk through use of handheld mobile phones or similar while driving.

### **5.193. Safety and overcrowding of vehicles**

5.194. With reference to pp 5.188(a) and (b), and in recognition of the public safety risks that can arise due to overcrowding, the licensing authority will take a serious view where public safety may be / have been put at risk through the carriage of more passengers than that permitted and/or inappropriate quantities of luggage and other materials.

## **PART F**

### **6. VEHICLE LICENSING**

#### **6.1. GENERAL**

6.2. The following policies will normally be applied to standard motorised vehicles (e.g. purpose built black cabs, MPVs, saloon cars etc). Separate policies may apply to non-standard vehicles (such as stretched limousines, novelty vehicles).

#### **6.3. Vehicle licensing requirements**

6.4. Separate vehicle licences must be held by and, where appropriate, issued to a vehicle proprietor wishing to use a vehicle as a hackney carriage or private hire vehicle. A relevant licence must be held in respect of each vehicle so used.

#### **6.5. GENERAL POLICY APPROACH TO VEHICLES**

#### **6.6. Private hire vehicles**

6.7. The licensing authority believes that private hire pre-booked work is open to a greater degree of market competition than taxi hailing and ranking where, by its very nature, competitive market forces are more constrained. Indeed, while private hire competition and service can be facilitated on the basis of offering a better price, it may also be facilitated in respect of vehicle features which consumers would be willing to pay for if given sufficient choice. These might include for example better / particular safety features, specialist accessibility requirements, or quality based considerations such as the comfort of the vehicle, its appearance and/or available facilities. Accordingly, as diversity in price, innovation, service and standards is a natural consequence of effective market competition, the licensing authority believes that consumer choice of private hire vehicle services should not be unduly restricted by virtue of the type or age of vehicles.

#### **6.8. Hackney carriage vehicles**

6.9. By contrast to private hire pre-booked work, the licensing authority believes that the on-street hail and ranking market is more competitively constrained. By its nature, together with the social customs and practices of hire and the statutory fixing of fares, once a hackney carriage has been hailed or approached the driver is in the position of a temporary monopolist and there is limited competitive

pressure in relation to price, safety or quality. As such, the licensing authority believes it appropriate to establish more defined baseline standards for hackney carriage vehicles.

### **6.10. Policy exemptions to private hire vehicle licensing**

6.11. In recognition of the broad range of potential vehicles and services that the definition of private hire vehicle (PHV) might encompass, it is the view of the licensing authority that not every vehicle with fewer than nine passenger seats which is used to carry passengers for some sort of return must necessarily be licensed as a PHV. Subject to the policies and considerations outlined below, the licensing authority will not normally consider any of the following to fall within the PHV licensing regime.

(a) **Small Public Service Vehicles (PSVs)** - i.e. vehicles with fewer than nine passenger seats which –

(i) carry passengers at a commercial rate; and

(ii) provide a service at separate fares where each passenger pays his or her own fare for a particular journey.

These vehicles will normally fall within the PSV operator licensing regime. However, in cases of doubt, the licensing authority will check and expect the vehicle, driver and operator to be licensed with the relevant traffic commissioners.

(b) **Volunteer schemes** - i.e. vehicles with fewer than nine passenger seats which provide a passenger carrying service, and –

(i) is neither a PHV nor a small PSV;

(ii) where the total of any charges are agreed in advance and do not exceed the running costs (including wear and tear and depreciation) of the vehicle for the journey made.

These vehicles will typically be a form of transport that is provided by volunteers who do not make a profit from the service.

While the licensing authority will not normally consider genuine volunteers who receive no recompense (or otherwise receive only enough to cover their actual expenses) to fall within the PHV licensing regime, it recognises that the total mileage undertaken by some volunteer drivers may amount to a business of providing transport in such a way as to make a profit. Where appropriate, the licensing authority may therefore take account of the profitability or otherwise of the service on consideration of the rates charged and/or expenses claimed in the context of the mileage and taxation rules set out by HM Revenue and Customs (HMRC).

(c) **Ambulances and medical cars** – i.e. those vehicles used to transport passengers to and from hospitals and other medical facilities on an ad-hoc basis or otherwise operate as part of a formal Patient Transport Service but do not undertake any form of ‘social’ hiring.

## 6.12. Considerations as to whether a vehicle is a private hire vehicle

6.13. By way of determination as to whether any particular vehicle requires to be licensed as a PHV the licensing authority will normally consider –

- (a) whether the vehicle has fewer than nine passenger seats;
- (b) whether the vehicle is provided for hire with the services of a driver for the purpose of carrying passengers;
- (c) whether the driver or the operator derives a commercial benefit;
- (d) whether the carriage of passengers is an ancillary part, or a main part, of the overall service;
- (f) whether the driver is under any explicit or implicit obligation to undertake any other duties or tasks beyond driving or providing services associated with driving (e.g. carrying luggage, assisting passengers with boarding or alighting etc);
- (g) whether the service requires a specific qualification or level of training on the part of the driver which goes beyond the driving and courtesy skills associated with conventional private hire;
- (h) the manner in which the vehicle is provided;
- (i) whether it covers exclusive hirings where the vehicle is hired as a whole;
- (j) whether passengers pay individual fares as part of the contractual arrangements; and
- (k) whether the vehicle is/is not being exclusively hired.

**NB:** The above considerations should not be seen as a comprehensive checklist or, in any way, be regarded as matters to be automatically addressed in all cases. Where appropriate, the licensing authority may require additional information, documents, and/or take account of other matters it reasonably considers necessary to enable it to determine whether a vehicle must be licensed as a private hire vehicle.

## **6.14. THE TERM & DURATION OF VEHICLE LICENCES**

6.15. The licensing authority will normally and, where appropriate, grant a hackney carriage or private hire vehicle licence for a period of 12 months; this being the statutory maximum duration. However, the licensing authority may, using its discretion, grant vehicle licences of shorter duration where it considers this to be reasonable or appropriate in the circumstances.

6.16. By way of example, the licensing authority may limit the term or duration of a vehicle licence -

- (a) in accordance with any service / maintenance requirements );
- (b) in accordance with any vehicle recalls (whether due to problems affecting the entire vehicle or any part)(;
- (c) on consideration of any MOT and/or MOT advisory specifications;
- (d) on consideration of the nature and condition of the vehicle (i.e. whether a specialist vehicle e.g. a stretched limousine);
- (e) on consideration of the nature and extent of use of the vehicle (e.g. mileage undertaken, the number of drivers assigned to the vehicle etc).

## **6.17. ELIGIBILITY CRITERIA**

### **6.18. General vehicle requirements**

6.19. The licensing authority will, where appropriate, seek to ensure that all licensed vehicles (including their fixtures, fittings and equipment) are suitable for use as a hackney carriage or private hire vehicle on demonstration that they are, and continue to be -

- (a) readily identifiable (together with their owner and/or vehicle proprietor),
- (b) suitable in standard, type, design and appearance (and not unsuitably modified at any time);
- (c) suitable in environmental performance and efficiency

(d) in a good, safe, roadworthy condition (regardless of age) (and not subject to any outstanding vehicle safety recall or previous category A or B insurance 'write off');

(e) suitably maintained;

(f) suitably insured;

(g) suitably accessible; and

(h) sufficient in number as to reasonably serve the interests of the travelling public.

### **6.20. Other general requirements**

6.21. Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a licence should be granted or whether conditions should be attached.

6.22. For vehicle licensing purposes, the licensing authority generally considers the following as reasonably necessary and will, where appropriate, require applicants and existing vehicle proprietors to provide the following -

(a) a suitable MOT certificate (see pp 6.91)

(b) a suitable policy of vehicle insurance (see pp 6.110)

(c) a suitable DVLA Vehicle registration document V5 or bill of sale (see pp 6.113 to pp 6.115)

(d) suitable vehicle safety recall documentation (see pp 6.77);

(e) suitable vehicle history checks (see pp 6.87);

(f) suitable service and maintenance history documents (see pp 6.100)

(g) a suitable LOLER certificate (see pp 6.121);

(h) suitable vehicle photographs (see pp 6.123);

(i) details of any mitigating and/or aggravating factors associated with one or more of the above.

6.23. While the policies, standards and considerations applicable to the above matters are set out below (see pp 6.55 to pp 6.125), these should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may require additional information, documents, or other certifications it reasonably considers necessary to enable it to determine whether a licence should be granted and, where appropriate, if conditions should be attached to any such licence. In all cases, the costs of any requirements must be paid by the applicant.

### **6.24 Out of Area Working**

6.25 When an applicant wishes to licence a vehicle as a hackney carriage the Council will require information, pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976, as to whether the applicant intends to use the vehicle to stand or ply for hire in South Somerset District Council's area and also if the applicant intends to use the vehicle entirely or predominantly remotely from South Somerset District Council's area on a pre-booked basis.

Whilst each application will be considered on its own merits, the Council will have regard to the geographic location of an applicant's home and business address.

If the Council believes that the hackney carriage is to be used entirely or predominantly remotely from South Somerset District Council's area on a pre-booked basis, then the application for a licence will normally be refused.

### **6.26. The number of hackney carriage vehicles**

6.27. The licensing authority notes that no powers exist to restrict the number of private hire vehicles but that quantity restrictions on the number of hackney carriages are permitted under Section 16(b) of the Transport Act 1985. This provides that 'a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages if, but only if, the licensing authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which a licence would apply) which is unmet'.

6.27. As any decision to refuse a licence on the basis of unmet demand would be open to legal challenge, the licensing authority will normally seek to justify any quantity restrictions by means of a demand survey (i.e. an evidence base of relevant indicators and levels of demand) and consultation with relevant stakeholders.

6.28. Where appropriate, the licensing authority will normally consider whether there is significant unmet demand in terms of –

- (a) the interests of the travelling public and those who use taxi services;
- (b) the (dis)advantages that arise for them as a result of quantity controls; and
- (c) the (dis)advantages that would result for them if there were no quantity controls etc.

6.29. At the present time, no demand survey has been carried out and the licensing authority cannot be satisfied that there is no significant unmet demand for the services of hackney carriages in its area. Therefore, in accordance with the recommendations of the DfT, the licensing authority does not currently impose any quantity restrictions on hackney carriage vehicles. However, given fluctuations in the number of licensed hackney carriage vehicles over time, this policy may be subject to review.

### **6.30. Accessibility of vehicles**

6.31. The licensing authority is aware of developments to review the accessibility requirements of hackney carriage and private hire vehicles through proposed Regulations under the Equality Act 2010 and will, where appropriate, review its accessibility standards in light of any changes to the law.

6.32. In the meantime, and as hackney carriages can be hired on the spot / in the street by customers dealing directly with the driver, the licensing authority believes that anyone should be able to hire a hackney carriage on approach of the driver with the minimum of delay and/or inconvenience. For this purpose, it is the policy of the licensing authority that all hackney carriages should be accessible to disabled people (including – but not only- people who need to travel in a wheelchair). For this reason all new vehicle applications will be restricted to purpose built wheelchair accessible vehicles (WAV's). This is subject to review after 12 months or when 20% of the total Hackney carriage fleet is made up of fully wheelchair accessible vehicles.

6.33. As private hire vehicles can only be booked through an operator (i.e. not immediately available for hire), it is the view of the licensing authority that the immediate need for wheelchair accessible vehicles is less essential. For this reason, while private hire operators are encouraged to offer accessible vehicles within their fleet, the licensing authority will not normally require, as a matter of course, private hire vehicles to provide such access.

## **6.34. Vehicle age**

### **6.35. General position on vehicle age**

6.36. The licensing authority generally believes that any vehicle, regardless of its age, may be maintained in a good, safe, roadworthy condition and therefore, the setting of an age limit beyond which it will not licence any vehicle may be arbitrary and disproportionate.

6.37. For clarity, the age of a vehicle shall refer to either the date of first registration with the DVLA (i.e. as shown on the vehicle registration document V5) or, in the case of a vehicle first used outside of the UK, when first used on any other road of any description.

### **6.38. Age of private hire vehicles**

6.39. In view of the above and paragraphs 6.5 to 6.9, providing they meet the eligibility criteria and application standards without restriction, the licensing authority will normally disregard the age (as an isolated consideration) of any vehicle in determining whether to grant or renew a private hire vehicle licence.

### **6.40. Age of hackney carriage vehicles**

6.41. However, for the reasons outlined above (see pp 6.5 to 6.9), the licensing authority will, by way of facilitating –

(a) continuous vehicle fleet improvement and efficiency (whereby new vehicles are generally required to meet extant and increasingly stringent environmental, performance and safety standards);

(b) commitment to the licensed trade (whereby vehicle proprietors are more likely to be committed to maintaining their new vehicle standards as a result of the investment made and warranties offered);

(c) vehicle standards and maintenance (by ensuring that vehicles are not already ‘tired’ before being licensed and therefore more likely to withstand the rigours of use);

(d) a supervised vehicle history (whereby vehicles licensed from new and thereafter involved in an accident can be supervised more effectively by the licensing authority because there is a statutory duty to report any accident where the damage materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers);

... and subject to all other requirements being met, only licence a vehicle as a hackney carriage –

(a) on the first occasion, where it is less than 5 years old (i.e. within 5 years of first registration with the DVLA) at the time of first application to this authority; or

(b) on renewal, where it has been continuously licensed with this authority since being new or otherwise first licensed.

## **6.42. Environmental vehicle standards**

### **6.43 General environmental policy approach**

6.44. In recognition of the Council's wider role, the licensing authority will normally seek to promote and encourage vehicle proprietors to invest in vehicles and related technologies that offer the best environmental standards in terms of emissions, the use of cleaner fuels, fuel and engine efficiency (i.e. performance) and end-of life recycling etc.

6.45. However, in view of paragraphs 6.5 to 6.9, above, the following policies and requirements (from pp 6.45 to 6.54) shall specifically apply to hackney carriage vehicles.

### **6.46. Vehicle emissions standard requirements**

6.47. In view of the above and, by way of encouraging a well-maintained, more sustainable, environmentally friendly and efficient taxi fleet and, subject to all other requirements being met, vehicles will only be licensed as a hackney carriage vehicle where –

(a) on first time application, the vehicle meets, without any modification or adaptation (i.e. as manufactured), the extant European Emission Standards established on approximation of Council Directive 70/156/EEC of 6 February 1970 (or extant equivalent) in force at the time the application is made; or

(b) on renewal, the vehicle meets the emission standards as set out and defined within two iterations (2i) of the extant European Emission Standards in force at the time the application is made. For example, where the extant European Emission Standard at the time of application for renewal is Euro 5, the vehicle must meet at least Euro 3 emission standards.

6.48. For the purposes of this requirement, a hackney carriage vehicle shall be taken to meet the relevant emission standards if –

(a) the date it was manufactured was on or after the date the relevant standard became compulsory for new model types; or

(b) suitable confirmation of its emission standards can be provided by an independent competent person.

#### **6.49. Disabled Drivers**

6.50. The licensing authority may provide exemption from the European Emission Standard requirements in respect of any vehicle that has been substantially adapted for the use of disabled drivers but only where there is a suitable Motability report and evidence clearly showing –

(a) what adaptations are required and why;

(b) confirmation of need for any adaptations from the applicants specialist or GP; and

(c) that all adaptations have been made by an approved company.

#### **6.51. Environmental policy incentives**

6.52. By way of incentivising proprietors to maintain more enviro-friendly vehicles, the licensing authority may structure its vehicle licence fees on the basis that the polluter pays more of the aggregate costs permitted to be recharged under S70 of the Local Government (Miscellaneous Provisions) Act 1976.

#### **6.53. Vehicle type, design and specification**

##### **6.54. Hackney carriages**

6.55. Section 47(2) of the Local Government (Miscellaneous Provisions) Act 1976 provides the licensing authority to require a hackney carriage to be of such design or appearance or bear such marks as clearly identify it as a hackney carriage.

6.56. Subject to all other requirements being met, and for reasons set out at 6.5 to 6.9 above, the licensing authority will normally licence vehicles as a hackney carriage that –

(a) are of a pre-approved type (either a purpose built taxi or Council approved conversion) (i.e. listed on application, inspection and approval with its vehicle specification); and

(b) comply with the plate and roof-light policies set out from pp 6.140 to pp 6.161 below.

### **6.57. Private hire vehicles**

6.58. Section 48(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976 states that the licensing authority cannot grant a private hire vehicle licence unless satisfied that the vehicle is suitable in type, size and design for use as a private hire vehicle.

6.59. Subject to all other requirements being met, and for reasons set out from 6.5 above and from 6.137 below, the licensing authority will normally licence vehicles as a private hire vehicle that –

(a) meet the Council's vehicle specification;

(b) are not a purpose built so-called London style 'black cab' (or similar);

(c) can be readily distinguished from a hackney carriage vehicle as detailed from pp 6.137.

### **6.60. Permitted vehicle modifications**

6.61. The licensing authority recognises that some modifications to vehicles can enhance performance, efficiency and the service offered to customers, as well as provide for enhanced safety and/or revenues for vehicle proprietors and/or drivers. Accordingly, subject to all other requirements being met, the licensing authority will normally permit the following (or similar) modifications to vehicles.

(a) Removal or installation of mobile communications equipment e.g. radios;

(b) Removal or installation of mobile computer consoles (or similar) for communication and allocation of jobs with an operator;

(c) Removal or installation of additional seats (and seat belt mechanisms);

(d) Conversion of interim steps to running boards (and vice-versa);

(e) Conversion to or installation of enviro-friendly/green features (see pp 6.64);

- (f) Change to and installation of a suitable taximeter (see 6.118 below);
- (g) Removal or installation of credit/debit card payment systems;
- (h) Change of vehicle colour/paintwork;
- (i) Change of vehicle advertising (see pp 6.162);
- (j) Removal or installation of personal safety features (see pp 6.67);
- (k) Reasonable adjustments or adaptations for disabled drivers (where appropriate).

6.63. Subject to all other requirements being met and, subject to conditions, where these may be appropriate, ancillary modifications, may be undertaken by and using the products of a third party (e.g. installation of credit/debit card payment systems). However, where appropriate, the licensing authority may require ancillary modifications to be certified by a competent person as being legally compliant and/or safe.

6.64. However, to ensure that vehicles continue to conform to a recognised safety standard, any modifications to any vehicle or its component parts, that may reasonably be considered integral to the vehicle, may affect vehicle integrity or otherwise affect any vehicle safety feature (e.g. seat belts), must normally –

- (a) be undertaken using parts of the same (or equivalent) specification of the original manufacturer, converter or approved agents; and/or
- (b) be compatible with the original vehicle type approval; and/or
- (c) be subject to a satisfactory Voluntary Individual Vehicle Assessment (VOSA individual vehicle type approval) (or suitable equivalent), that certifies the safety of the vehicle as a whole and the modifications made.

#### **6.65. Modifications to enhance environmental standards of vehicles**

6.66. In recognition of the Council's wider role, the licensing authority will, subject to all other requirements being met and, subject to conditions, where these may be appropriate, normally look sympathetically on the conversion to, installation and use of green/alternative fuels and other enviro-friendly features.

6.67. However, In recognition that fuel conversions can be dangerous if not done correctly, the licensing authority will normally accept vehicles that have been converted to use alternative fuels only where, in addition to all other requirements having been met, the vehicle is –

- (a) listed on the UKLPG vehicle register; and
- (b) supported by an inspection and test certificate by a UKLPG Approved Autogas Installer dated within the last 12 months or
- (c) subject to a satisfactory Voluntary Individual Vehicle Assessment (VOSA individual vehicle type approval) (or suitable equivalent), that certifies the safety of the vehicle as a whole and the modifications made.

#### **6.68. Modifications to enhance personal safety in vehicles**

6.69. As it considers it best left to the judgement of individual vehicle drivers/proprietors, the licensing authority will generally not require specific security measures (e.g. CCTV systems) to be installed within licensed vehicles. However, in recognition of their lone worker status, together with the risks to which they can be exposed in providing a public service, the licensing authority will, subject to all other requirements being met, generally look sympathetically on the installation and use of in-vehicle security measures that provide some personal protection for vehicle drivers. It will therefore, subject to conditions, where these may be appropriate, normally allow one or more of the following (or similar) modifications to vehicles -

- (a) Installation and use of a suitable bulkhead (where not otherwise required);
- (b) Installation and use of a suitable CCTV camera system;
- (c) Systems that provide for a secure driver cell;
- (d) Installation and use of a GPS tracking system;
- (e) Installation and storage of a fire extinguisher;
- (f) Installation of a panic alarm system (or similar).

### **6.70. Relevant considerations in respect of vehicle modifications**

6.71. While the licensing authority will normally look sympathetically on vehicles that offer enhanced environmental standards, in-vehicle security or provide for additional income etc, the licensing authority will not normally authorise any proposed feature or modification that detracts from or otherwise affects the ability of the vehicle to comply with its vehicle specification, licence conditions and/or licensing objectives. For example, modifications that may affect the ability to carry luggage, ramps and other equipment (e.g. installation of alternative fuel storage tanks) and/or may affect safety (e.g. installation of CCTV cameras that become a headroom hazard etc). For these reasons, vehicle proprietors seeking to modify their vehicles in any way are encouraged to discuss their proposals with the licensing officer first. Vehicle modifications undertaken without prior approval are made at the vehicle proprietor's own risk and, where appropriate, cost if not suitable.

### **6.72. Notification of vehicle modifications to insurers and others**

6.73. The licensing authority notes that some vehicle modifications are subject to declaration and/or may affect the validity and extent of vehicle insurance. The licensing authority asserts that it remains the responsibility of the vehicle proprietor to make all relevant declarations and/or notify all relevant parties of any changes as may be appropriate. For these reasons, the licensing authority will, where appropriate, expect suitable verification with / from any relevant party concerned (e.g. vehicle insurance company).

### **6.74. Exceptions to permitted vehicle modifications policy**

6.75. Except where it may impact on safety and, subject to all other requirements being met, the licensing authority will normally permit temporary and minor vehicle modifications that are widely recognised and generally designed to support some social or cultural event of (inter)national significance (or similar). By way of example as to the nature and extent of this particular policy, this policy applies only to issues such as the mounting of national flags on vehicle bonnets during the FIFA World Cup, or the mounting of noses on vehicle radiator grills in support of Red Nose Day, the Poppy Appeal and/or similar.

### **6.76. Vehicle recall status certification**

6.77. The licensing authority notes that vehicles, their components and parts may from time to time be recalled for safety-related defects and subsequent remedial works. The licensing authority also notes that recalls are co-ordinated by VOSA in accordance with its code of practice on vehicle safety defects. For reasons of public safety, the licensing authority will, where appropriate, require applicant proprietors to submit suitable documentation showing satisfactory completion of all necessary remedial actions and work relevant to any such recall and the vehicle concerned.

### **6.78. The relevance of vehicle recall status**

6.79. By way of ensuring driver and public safety, the licensing authority will not normally permit the use of any vehicle as a hackney carriage or private hire vehicle that is the subject of a safety-related recall which has not been subject to all relevant actions or works necessary to remedy the recall defect.

### **6.80. Insurance write-offs**

6.81. For reasons of public safety, the licensing authority will not normally accept any vehicle that has been subject to such damage as to be categorised as a category A or B ‘write off’ by a relevant insurance company under the extant Code of Practice for the Disposal of Motor Vehicle Salvage. As damage at this level cannot always be detected or fully repaired, this policy will apply regardless of whether or not the vehicle has since been repaired to an MOT pass standard.

6.82. Subject to the following and all other criteria being met, the licensing authority may, where appropriate, accept vehicles categorised under the extant Code of Practice for the Disposal of Motor Vehicle Salvage as category C insurance write off (i.e. where repairable but not economically viable) or category D damaged vehicles. However, before a licence is granted, or where appropriate, re-instated, the licensing authority will normally exercise the policies and require relevant documentation set out from 6.176 below in respect of accident damaged vehicles. These policies and arrangements should be construed accordingly.

### **6.83. Vehicle identification**

6.84. By way of ensuring that vehicles and major parts conform to a recognised standard, the licensing authority will normally, subject to all other requirements being met, grant a hackney carriage or private hire vehicle licence only to those vehicles that have clear and consistent engine and vehicle identification number (VIN) markings on all relevant parts and documents.

6.85. As it will otherwise be unable to satisfy itself of a vehicles identification and standards, the licensing authority will not normally grant a hackney carriage or private hire vehicle licence in respect of any vehicle where VIN markings or engine numbers are –

- (a) missing; illegible, damaged, defaced or tampered with in any way; or
- (b) otherwise inconsistent on the vehicle or related documents (e.g. MOT / V5).

## **6.86. Vehicle history**

6.87. In view of the above policy matters, the licensing authority may, where appropriate, check the status of any vehicle with the DVLA or alternatively require a vehicle data and/or history check from a licensed provider at any time. A third party fee may be payable for this service.

## **6.88. Vehicle testing**

6.89. By way of satisfying itself of the safety, roadworthiness and suitability of vehicles, the licensing authority will normally require each vehicle to be subject to the following on application for both grant or renewal of a hackney carriage or private hire vehicle licence; namely

- (a) a valid MOT pass certificate (see pp 6.91);
- (b) An inspection by Council officers at Lufton depot(see pp 6.103).

## **6.90. MOT testing**

6.91. To ensure that any hackney carriage or private hire vehicle is roadworthy, the licensing authority will normally require both on initial grant, renewal and/or expiry of a (pre)existing MOT, the submission of a valid MOT pass certificate specific to the vehicle concerned.

6.92. In recognition of the high use and high mileage to which hackney carriage and private hire vehicles are generally subject, a valid MOT will normally be required –

- (a) regardless of the age of the vehicle; and/or
- (b) whether or not it would ordinarily be considered to be exempt (i.e. the vehicle is under three years old); and/or
- (c) whether or not it would ordinarily be considered to be under warranty.

6.93. As rust can develop and parts can seize while awaiting sale, this policy shall also include and apply to brand new vehicles.

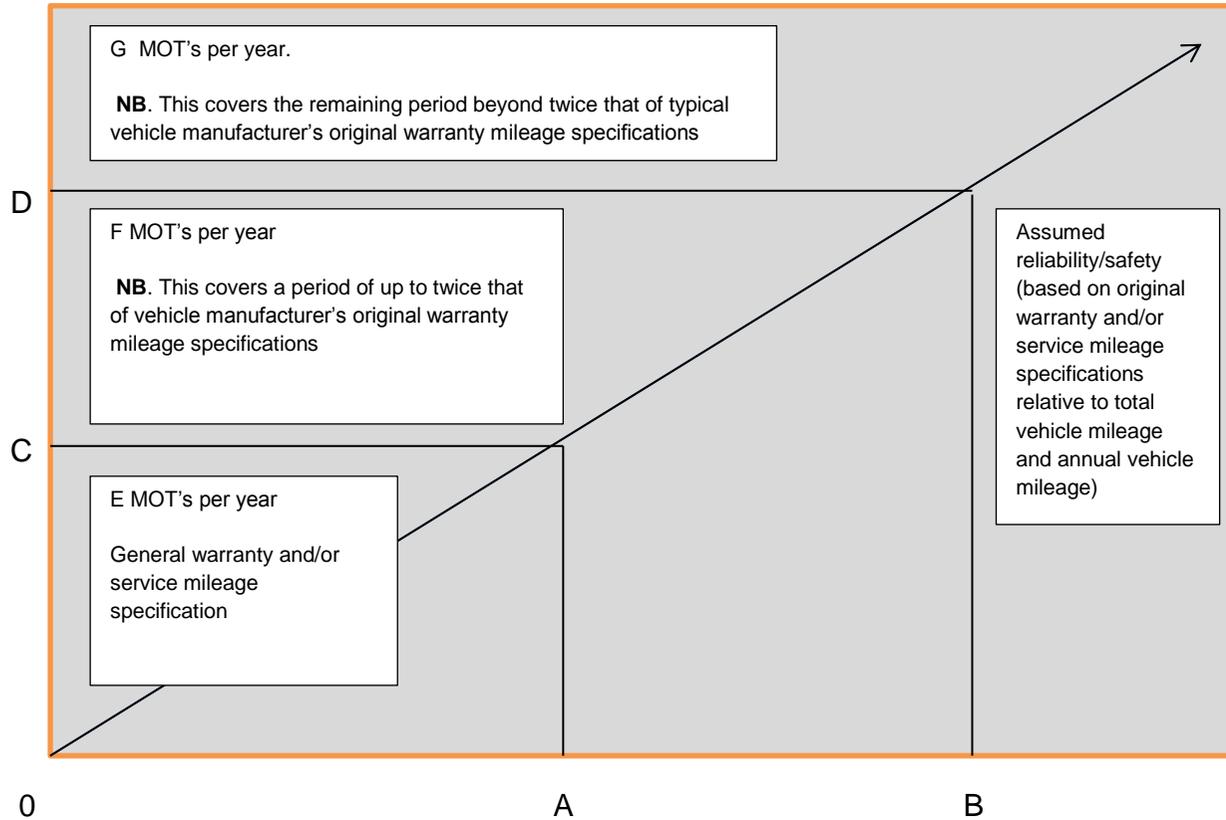
6.94. By way of promoting free-market competition, MOT tests may be undertaken at any MOT testing station authorised by VOSA (the Vehicle & Operator Services Agency).

**6.95. Additional MOT requirements**

6.96. To ensure vehicle safety and facilitate maintenance, the licensing authority will normally require, on condition, licensed hackney carriages and private hire vehicles to be subject to MOT inspection and testing according to the frequencies determined by either the annual or total vehicle mileage limits (whichever limit applies) in **table 1** below.

6.97. However, as mechanical and electrical faults and other issues affecting roadworthiness may occur at any time during the term of a licence (where granted), the licensing authority may require additional inspection, test and MOT checks to be undertaken at any time it is considered necessary in the circumstances.

**TABLE 1  
PROPOSED FREQUENCY OF VEHICLE MOT TESTS  
ACCORDING TO MILEAGE**



Where-
A = 20,000 miles
B = 30,000 miles
C = 60,000 miles
D = 120,000 miles
E = 1 MOT per year
F = 2 MOT's per year
G = 3 MOT's per year

6.98. For these purposes, annual vehicle mileage shall normally be taken to mean the difference between odometer readings as recorded on the extant MOT certificate valid at the time of application and subsequent renewal for a hackney carriage or private hire vehicle licence at 12 month intervals. However, in cases where this is not timely or otherwise feasible, annual vehicle mileage may be calculated on extrapolation from a combination of MOT certificate records and vehicle odometer readings.

### **6.99. Service & unscheduled maintenance history**

6.100. In recognition of –

(a) the high use and high mileage to which hackney carriage and private hire vehicles are generally subject; and

(b) in an effort to ensure that vehicles are suitably and proactively maintained;  
the licensing authority may, where appropriate, require applicants or existing vehicle proprietors to submit all relevant documents detailing the service history of their vehicle for up to three years immediately preceding any application or point of time.

6.101. For these purposes, service history shall be taken to mean -

(a) each service that would reasonably be considered appropriate in accordance with the vehicle manufacturer's instructions / recommendations; and

(b) any unscheduled service or emergency maintenance that was undertaken for whatever reason within the period.

### **6.102. Council test & inspection**

6.103. To ensure that any hackney carriage or private hire vehicle is suitable for public use, the licensing authority will normally require both on initial grant and on renewal, the vehicle and, where appropriate, all relevant effects and equipment (e.g. ramps, anchorages etc), to be presented for test and/or inspection by licensing officers.

#### **6.104. The relevance of vehicle testing requirements**

6.105. It is the policy of the licensing authority that no vehicle may be used as a hackney carriage or private hire vehicle unless it has been certified and maintained in a safe and roadworthy condition (e.g. courtesy of suitable and valid MOT certificate) or otherwise passed as fit for public use.

6.106. In recognition that poor vehicle maintenance can impact both on driver and public safety, the licensing authority will take a serious view of any proprietor who fails to maintain a hackney carriage or private hire vehicle to a satisfactory standard.

#### **6.107. Testing and the term and duration of licences**

6.108. For reasons of ensuring public safety, the licensing authority considers that a greater frequency of monitoring and testing (subject to statutory limits) may be appropriate for some vehicles in some circumstances. Where appropriate, the licensing authority will require additional testing and/or restrict the term and duration of a vehicle licence where there are one or more demonstrable indications of high use (e.g. high mileage, 24/7 use etc), poor maintenance, specialist requirements or other concerns connected with the use of the hackney carriage and/or private hire vehicle.

#### **6.109. Vehicle insurance**

6.110. The Road Traffic Act and associated Regulations require a suitable policy of insurance is in force in relation to the use of most motorised vehicles on the public highway. For this reason and similar requirements made by under Section 48(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority will require a suitable policy of insurance on grant or renewal of any hackney carriage or private hire vehicle licence.

6.111. For this purpose, and by way of ensuring adequate cover for all parties, a 'suitable policy of insurance' will normally be taken to mean –

- (a) a valid and fully comprehensive policy; weekly or monthly insurance certificates will not be accepted.
- (b) a policy that provides indemnity cover for each driver of the vehicle;
- (c) a policy that provides the cover for business use on hire and reward as a hackney carriage or private hire vehicle as may be appropriate.

### **6.112. Vehicle registration document (V5)**

6.113. By way of vehicle identification, proof of interest and/or ownership, together with the assessment of other standards and requirements detailed in this policy document, the licensing authority will normally require, on grant or renewal, the DVLA vehicle registration document (V5) to be presented for each vehicle to be licensed.

### **6.114. Bill of sale**

6.115. To assist vehicle identification and proof of interest and/or ownership and, in recognition of the time it can take for a DVLA vehicle registration document (V5) to be updated following transfer, suitable proof of sale will, where appropriate, be required for any first-time vehicle licence application.

6.116. Suitable proof of sale will be taken to mean written correspondence signed and dated by the transferor and transferee (including name and address) declaring the sale/transfer of the vehicle (make, model and vehicle index) to the named transferee. For this purpose, a copy of the DVLA vehicle registration document (V5), letter, hire purchase agreement or similar completed with the new vehicle keeper details will normally be acceptable.

### **6.117. Taximeter certification**

6.118. 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 either –

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

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

### **6.120. Lifting equipment inspection certification**

6.121. The licensing authority notes that for reasons of safety and maintenance, any mechanical lifting equipment is subject to periodic inspection and testing requirements under the Lifting Equipment & Lifting Operations Regulations 1998 (LOLER). Therefore, for reasons of public safety and compliance with the law, the licensing authority will normally require applicant proprietors to submit and maintain a valid LOLER certificate for each piece of lifting equipment that may be fitted to or within the vehicle (e.g. powered swivel seats, mechanical lifts etc).

### **6.122. Vehicle photographs**

6.123. By way of monitoring and recording vehicle condition, colour and advertising, the licensing authority will normally require applicants to –

(a) allow the licensing authority to take (and freely reproduce for the purposes of administration and supervision of the vehicle licence) suitable digital colour photographs of the vehicle; or

(b) submit, at their own expense, suitable colour photographs on photographic paper showing the matters outlined below.

6.124. So that the vehicle and its features can clearly be identified and distinguished, suitable photographs shall be taken to mean photographs taken against a suitable contrasting background that clearly and legibly shows –

(a) the vehicle registration, together with the front and off-side panels; and

(b) the vehicle registration, with the rear and near-side panels.

### **6.125. CONDITIONS OF VEHICLE LICENCE & ASSOCIATED POLICIES**

6.126. Section 47(1) and Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to attach such conditions to a hackney carriage and private hire vehicle licence as may be considered reasonably necessary.

6.127. The conditions that the licensing authority generally considers reasonably necessary for hackney carriage and private vehicles are detailed in **Appendix E**.

**NB:** The general conditions referred to above are not a comprehensive list of conditions or, in any way, to be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may remove, modify and/or attach additional and/or alternative conditions appropriate to the individual circumstances of the case. Where appropriate, any condition(s) will comply with our policy on conditions also detailed at **Appendix E**.

#### **6.128. *Relevance of conditions and other vehicle requirements***

6.129. Failure to comply with vehicle licence conditions and associated requirements will not necessarily result in enforcement action, but may, where appropriate, be used as an indicator of vehicle safety, condition or status. However, where appropriate, breach of conditions and other requirements may result in advice, warnings, suspension, revocation and/or refusal to renew a licence.

#### **6.130. Age of drivers**

6.131. The licensing authority notes that entitlements to drive some categories of motor vehicle are age restricted by law and it may therefore apply, as a condition of a vehicle licence, an age restriction on the use of some vehicles. For example, conversion/adaptation of a minibus to a private hire vehicle does not alter the vehicles original weight or classification and/or the driving licence restrictions and entitlements applicable to drive the vehicle (at a minimum age of 21).

#### **6.132. The numbers to be carried in licensed vehicles**

6.133. In recognition that the number of people to be carried in a hackney carriage or private hire vehicle can impact on public safety and/or determine the licensing regime applicable to the vehicle, the licensing authority will normally limit, on condition, the total number of passengers that may be carried in any such vehicle. Subject to any exemption, this limit will normally be detailed on the vehicle plate (if granted) (see pp 6.140).

6.134. The licensing authority will normally licence only those vehicles capable of carrying between four and up to eight passengers; this being the statutory maximum before a public service vehicle licence is required. However, the actual number of passengers to be carried in any one vehicle will normally be determined with reference to the following -

- (a) the manufacturers recommendations;
- (b) the number of passenger seats specified on the DVLA vehicle registration document V5;

(c) the number of available seats and suitably fitted seat belts; and

(d) the relevant vehicle specification.

6.135. With reference to pp 6.134(c), where there are no anchorage points each 400mm of seat base shall constitute a seat (unless it is impossible for a person to sit there, e.g. due to no leg room, wheel arch etc. Measurements will be taken across the front of the seat squab/cushion).

### **6.136. Distinction between hackney carriage & private hire vehicles**

6.137. It is widely recognised that members of the public can often confuse private hire vehicles with hackney carriages without realising that private hire vehicles are not available for immediate hire or otherwise able to be hailed in the street. As this may affect insurance, the licensing authority considers it particularly important that the public can easily distinguish between each type of vehicle. A similar requirement is required in law under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

6.138. For these reasons, while it will accept similar types of vehicle to be licensed as a hackney carriage or private hire vehicle (except for purpose built London style 'black cabs'), the licensing authority will, where appropriate, seek to distinguish between hackney carriage and private hire vehicles by application of the following policies and considerations.

### **6.139. Vehicle plates**

6.140 To ensure that members of the public can easily identify a licensed vehicle, together with the number of passengers that it can carry, the licensing authority will normally require, on condition, both hackney carriage and private hire vehicles to display a licence plate both –

(a) on the exterior, at the rear of the vehicle; and

(b) on the interior, on display to the passenger compartment; and

(c) in the case of private hire, on each side of the vehicle in accordance with pp 6.150

6.141. For clarity and ease of recognition, all licence plates will be of the specified size, shape and design outlined in **Appendix F**.

**NB:** The licensing authority will normally allow some limited exemptions to these general requirements in accordance with the reasons and policies set out below.

#### **6.142. Plate/badge numbers policy**

6.143. To provide for the simple yet reliable identification of licensed vehicles, the licensing authority will normally issue a unique number which will correspond with the number of the vehicle licence (where granted) that will be used on all licence documents and plates. Subject to the policies detailed below, the number given will normally be issued on a sequential and first-come, first-served basis. However, numbers may be recycled for use once surrendered by the current user.

#### **6.144. Customisation of plate/badge numbers**

6.145. The licensing authority recognises that drivers and vehicle proprietors sometimes like to personalise the plate number that they are assigned (e.g. to match their vehicle call sign, radio number or vehicle index etc). Therefore, subject to the policies detailed below, the licensing authority will normally offer numbers within the current range that are available for use on application.

#### **6.146. Sensitive plate/badge numbers**

6.147. In recognition that some plate/badge numbers can be sensitive and/or perceived as offensive (e.g. 911, 666 etc), the licensing authority will normally

seek to avoid issue and, where appropriate, to subsequently withdraw (on renewal or on exchange for an alternative) any vehicle plate/badge numbers that may reasonably be considered offensive.

#### **6.148. Colour of vehicle plates/badges**

6.149. To distinguish one type of vehicle from another, the licence plates / badges of hackney carriage and private hire vehicles will be printed in different colours.

#### **6.150. 'Pre-booked only' side plates for private hire vehicles**

6.151. As private hire vehicles cannot be hired immediately through the driver, the licensing authority will normally require them to prominently display on each side of the vehicle, a sign of specified size, shape and design (see **Appendix F**) that clearly –

- (a) Identifies the relevant vehicle plate number (i.e. licence number: XXX);
- (b) identifies the relevant licensing authority; and
- (c) specifies the words 'Advance bookings ONLY' (or similar).

6.152. However, we recognise that some businesses may prefer to use their own corporate vehicle branding. As such, the licensing authority may, where appropriate and subject to the requirements concerning advertising (see pp 6.165 to 6.172 below), exempt private hire vehicles from the display of side plates in favour of corporate branding that as a minimum –

- (a) shows the details listed in (a) and (c) above;
- (b) is signed with signwriting of a suitable and proportional font that is with respect to –
  - (i) the vehicle plate number, no less than 30mm in height; or
  - (ii) the 'Advance bookings ONLY' sign, no less than 60mm in height.

### **6.153. Roof mounted signs**

6.154. Hackney carriages must carry and display or otherwise be fitted with a roof mounted 'Taxi' sign (or similar wording) that is clearly visible when the vehicle is available for hire both by day and night. So as to avoid claims of illegally plying for hire (e.g. in another area for which the vehicle is not licensed), the design must be such that any illumination can be switched off independently of any other vehicle system when the vehicle is hired or not in use as a taxi.

6.155. So as to avoid any confusion with a hackney carriage, the licensing authority will normally seek to ensure that private hire vehicles do not employ, display or otherwise have affixed – any roof mounted signage

### **6.156. Alternative arrangements for certain private hire vehicles**

6.157. It is the view of the licensing authority that some private hire vehicles that provide limited, non-public driving services (e.g. executive chauffeur services, stretched limousines, vintage and other specialist vehicles etc) are -

(a) self-evidently not a hackney carriage; and/or

(b) do not need to be readily distinguished from a hackney carriage by the additional specific signage set out at pp 6.151.

6.158. The licensing authority believes that such services are usually exclusively booked up front for a defined period or journey (typically going outside the borough) and such that the vehicle is not available for immediate hire. Also, these services usually offer a degree of prestige, anonymity and/or have a legitimate business requirement to be more discretely marked.

6.159. For this reason, and subject to all other licensing requirements being met, it is the policy of the licensing authority to offer private hire vehicles used to provide exclusively limited, non-public driving services an exemption from the requirements set out at pp 6.140 and pp 6.151. However, so that any such vehicle can be identified as a licensed vehicle, the licensing authority will require, on condition, that a licence plate of specified size, shape and design (see **appendix F**) be clearly displayed in the front windscreen of the vehicle.

6.160. For clarity and distinction between different categories of vehicles, this alternative arrangement shall not apply to any private hire vehicle that undertakes any general public work. In such circumstances, standard plates in accordance with the requirements set out at pp 6.140 and pp 6.151 must be displayed.

### **6.161. Advertising on licensed vehicles**

6.162. The licensing authority recognises that advertising on and within licensed vehicles can provide a valuable income stream to the vehicle proprietor, and will, subject to the following, normally permit suitable advertising to be –

(a) wrapped around the vehicle body (i.e. on all sides, subject to some exceptions); and/or

(b) displayed within the passenger compartment (subject to some exceptions).

6.163. However, by way of a further distinction between hackney carriage and private hire vehicles (see pp 6.137), and by way of providing clarity to the side plates required on private hire vehicles, the licensing authority will not normally permit any advertising on any private hire vehicle, other than corporate branding of the operator concerned.

6.164. For reasons of driver and public safety, the licensing authority will not permit any advertising material, corporate branding or any other medium that –

- (a) interferes with any equipment normally fitted to the vehicle (including the vehicle electrics and wiring etc);
- (b) interfere with any vehicle design features such as methods of fixing, brake cooling vents, tyre inflation valve or with any wheel balancing dynamics or steering operation;
- (c) obscures any vehicle lights, 'For Hire' sign or indicator lamps (e.g. indicators, brake lights etc);
- (d) creates any safety hazard (e.g. non protected screens, headroom hazards etc);
- (e) uses or emits audio.

6.165. Further to the above, and by way of -

- (a) preventing any reduction to driver visibility (and therefore any impact on driver and public safety); and
- (b) ensuring maximum visibility into and throughout the vehicle (for the benefit of driver and public safety);  
the licensing authority will not normally permit **any** advertising, corporate branding or any other material, other than that which is required by law or on condition of licence, to be displayed on, or otherwise obscure any windscreen, window, mirror or bulkhead.

6.166. In recognition that the nature, design and content of some advertising can affect the visibility and clear distinction of other relevant signage, the licensing authority will not normally permit any advertising (including corporate branding) that obscures or confuses the visibility, legibility, clarity or distinction of –

- (a) the vehicle licence plate;
- (b) the vehicle registration number;
- (c) any vehicle side plates or signwriting (see 6.151);
- (d) or any other notice required to be displayed by law or on condition of licence.

6.167. In recognition that some forms of advertising can be misleading and/or inappropriate etc, the licensing authority will, where appropriate, expect and require, on condition, that –

(a) nothing shall be displayed on or in a vehicle advertising tobacco products, alcohol, contraceptives, sex shops, sex articles or sex-related products or services, gambling activities including betting, gaming or amusements (with or without prizes) or otherwise contains nudity.

(b) no advertisement be displayed in relation to race, religion or anything that may reasonably be considered to be offensive.

(c) any advertising on or within a vehicle complies with the relevant code of advertising standards in all other respects.

6.168. Given the above and the discretion afforded in vehicle advertising, the licensing authority reserves the right to require any advertisement it deems unsuitable to be removed where appropriate.

### **6.169. Livery of licensed vehicles**

6.170. Subject to the clear and visual distinction of hackney carriage and private hire vehicles (see pp 6.137), the licensing authority does not consider a vehicle livery (i.e. a defined colour and/or marking of vehicles) to be necessary at the present time.

### **6.171. VEHICLE TRANSFER ARRANGEMENTS**

6.172. In recognition that vehicle licensing requirements will have previously been met and, by way of assisting existing and prospective vehicle proprietors, the licensing authority will, subject to the following, normally permit the transfer of interest in a licensed vehicle together with the unexpired portion of the vehicle licence to another person who consents to the transfer. For safety and audit trail reasons, such transfers will normally be subject to the following requirements; namely –

(a) Suitable proof of sale/transfer by the transferor (i.e. the out-going vehicle proprietor) (see pp 6.115); and

(b) Declaration of consent to the transfer by the transferee (i.e. the new vehicle proprietor); and

(c) Where appropriate, a suitable policy of insurance of the new vehicle proprietor/driver (see pp 6.110);

6.173. For the reasons detailed in pp 6.174 the licensing authority will normally transfer a hackney carriage or private hire vehicle licence on condition that a copy of the up-to-date V5 is submitted when issued.

**NB:** It should be noted that these requirements may be waived if the transferee (i.e. the new vehicle proprietor) is already registered on the relevant vehicle licence as a person having a bona fide interest in the vehicle.

#### **6.174. ACCIDENTS TO & INVOLVING LICENSED VEHICLES**

6.175. Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 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.

6.176. In recognition that accident damage can 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 excuse, 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.

#### **6.177. Assessment and determination of vehicle condition**

6.178. By way of ensuring that vehicles continue to be safe, roadworthy and eligible to be used as a licensed taxi vehicle, it is the policy of the licensing authority to ensure that all licensed vehicles involved in a qualifying accident are -

- (a) suitably assessed in respect of the nature and extent of any damage done; and
- (b) where appropriate, secured from further use until suitably repaired.

6.179. In recognition of the variable nature and degree of damage that can be incurred in vehicle accidents, the licensing authority will normally seek to inspect the vehicle and/or direct that the vehicle be subject to inspection and/or testing at a place and by individuals of its choice. Where this is not practical (e.g. the vehicle has already been taken to or recovered by a mechanic etc), the licensing authority will normally require suitable confirmation of the vehicle's condition and status. For this purpose, this may include an independent assessment of the nature and degree of damage done to the vehicle (i.e. what is wrong), whether the vehicle is salvageable (and to what extent), drivable and/or secure.

**6.180. Actions to be taken where a vehicle is involved in an accident**

6.181. 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 salvagable status of the vehicle (see pp 6.81);
- (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

6.182. 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 (VOSA individual vehicle type approval) (or suitable equivalent), that certifies the safety of the vehicle as a whole and the repairs made.

6.183. By way of ensuring that vehicles and major parts conform to a recognised standard, the licensing authority will normally expect any repair made to a vehicle following an accident to be compatible with the vehicle type approval and otherwise comply with the Council's vehicle specification.

#### **6.184. Assessment of vehicle drivers involved in an accident**

6.185. 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. 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, 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 pp 5.186.

#### **6.186. Replacement vehicles for vehicles involved in an accident**

6.187. The licensing authority does not believe it to be reasonable or proportionate to require insurance companies to supply brand new courtesy vehicles. Accordingly, 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 upto 3 months as a short term replacement for any licensed vehicle involved in an accident.

6.188. Temporary replacement vehicles may be licensed for longer than 3 months but only where there is a suitable business case and documentary evidence showing –

(a) why the damaged vehicle cannot be repaired within the initial 3 month period;

(b) why the damaged vehicle cannot be replaced and/or why other vehicles could not be used;

(c) when the damaged vehicle will be returned to service;

6.189. In view of the Council's brand new hackney carriage policy (see 6.39), temporary replacement hackney carriage vehicles shall not be eligible for more permanent licensing after any agreed temporary period unless –

(a) the replacement vehicle was new at the time of substitution;

(b) the replacement vehicle has been continuously licensed from the point of substitution; and

(c) is suitable in all other respects.

## **PART G**

### **7. OPERATOR LICENSING**

#### **7.1. GENERAL**

7.2. Any individual, company or similar who, in the course of their business, makes any provision for the invitation and acceptance of bookings for (i.e. to operate) a private hire vehicle must hold a private hire operator's licence.

**NB:** A private hire operator may only operate a private hire vehicle that has been licensed by the same authority as the operator. Likewise, the private hire vehicle may only be driven by a private hire driver licensed by the same authority. All three licences (operator, vehicle and driver) must be issued by the same authority i.e. SSDC). This is known as ‘the three licence rule’.

#### **7.3. Booking services**

7.4. Despite the above, the licensing authority is of the view that those simply acting as the agent of a hirer (e.g. where a hotel books a cab for a guest) will not normally require an operator’s licence but that some booking services (e.g. a service that finds and/or books private hire vehicles with an operator) may require a private hire operator licence. In determination of whether such services require an operator’s licence, the licensing authority will therefore normally take into consideration –

- (a) The nature and extent of any advertising of the service;
- (b) Whether in the absence of any advertising, the service would or would not work; and
- (c) The nature and extent to which the service/function serves to make provision for the invitation or acceptance of bookings.

## **7.5. THE TERM & DURATION OF OPERATOR LICENCES**

7.6. By way of facilitating -

(a) a reasonable operating period;

(b) a reasonably frequent period to monitor and review licensed activities; and

(c) the synchronisation of any operator licence with any private hire driver licence held, and thereby reduce the costs of associated checks (e.g. CRB disclosure) (see pp 7.25); the licensing authority will, where appropriate, normally grant or renew a private hire operator's licence for a maximum period of three years. However, the licensing authority may, using its discretion, grant operator licences of shorter or longer duration where it considers this to be reasonable or appropriate in the circumstances.

## **7.7. ELIGIBILITY CRITERIA**

### **7.8. Age of Operators**

7.9. Subject to any other age-related policies and providing they meet the eligibility criteria and application standards without restriction, the licensing authority will normally disregard the age (as an isolated consideration) of any applicant (or director of a business) in determining their suitability to hold a private hire operator's licence.

### **7.10. Nature of Operators**

7.11. Subject to any other company-related policies and providing they meet the eligibility criteria and application standards without restriction, the licensing authority will normally accept applications for a private hire operator's licence from both individuals, partnerships, businesses and similar (i.e. companies). However, if the applicant is a business or similar, the application requirements and criteria will normally be applied to each director (and similar level trustee) of the business.

### **7.12. Fit & Proper Person**

7.13. Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 states that the licensing authority cannot grant a private hire operator's licence unless satisfied that the applicant is a 'fit and proper person' to hold such a licence.

7.14. Although an operator does not drive members of the public (unless also holding a private hire driver's licence), the operator will be in possession of information about peoples movements, whereabouts and property. Operators also deal direct with the public over the telephone or face-to-face at the operator base/office. As a result, the licensing authority believes that the need for operators to be 'fit and proper' and the standards to be applied are just as important as they are for drivers.

7.15. As the term 'fit and proper person' is not defined in law, the licensing authority will, where appropriate, seek to ensure that applicant operators and existing licence holders are both safe and suitable on demonstration that they are, and continue to be -

(a) of suitable background, character and integrity (including being suitably professional, responsible, reliable, sober, honest, trustworthy, civil, decent, courteous and respectable in both manner and appearance);

(b) of suitable knowledge, experience and skills to perform the duties of a licensed operator;

(c) suitably entitled and, where appropriate authorised, to live, work and/or perform the duties of a licensed operator in the UK;

(d) suitably insured to perform the duties of a licensed operator.

#### **7.16. General requirements**

7.17. Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a licence should be granted or whether conditions should be attached.

7.18. For operator licensing purposes, the licensing authority considers the following as reasonably necessary and will, where appropriate, require applicants and existing licence holders to provide the following -

(a) suitable immigration and asylum status and/or work entitlement documents (see pp 5.26);

(b) a suitable DBS disclosure (see pp 7.25);

(c) suitable statement(s) of good conduct (see pp 5.49);

(d) a suitable declaration of application / licensed operator history (see pp 5.58);

(e) Suitable documentation and/or systems for the keeping of booking records (see pp 7.31);

(f) suitable certification of public liability insurance (see pp 7.29).

### **7.19. Other requirements**

7.20. In addition, the licensing authority will, where appropriate, require applicants and existing licence holders to provide suitable demonstration of knowledge, experience and skills considered appropriate in the circumstances.

7.21. Further to pp 7.18(b), and in recognition that local knowledge and intelligence concerning individual applicants can help inform its determination of 'propriety', the licensing authority will, where appropriate, invite Avon & Somerset Constabulary to comment on any application for the grant (i.e. on first-time application) of a private hire operator's licence.

## **7.22. POLICIES, STANDARDS AND RELEVANCE OF FITNESS & PROPRIETY REQUIREMENTS**

7.23. While the policies, standards and considerations applicable to each of the above matters (pp 7.12 to pp 7.21) are set out below, the above matters should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may require additional information, documents, or other certifications it reasonably considers necessary to enable it to determine whether a licence should be granted and, where appropriate, if conditions should be attached to any such licence. In all cases, the costs of any requirements must be paid by the applicant.

7.24. For the purposes of paragraphs pp 7.12 to pp 7.21, the general policies and requirements that the licensing authority will apply to operator licensing are similar to that for driver licensing. For this reason, the policies, considerations and requirements set out between pp 5.24 and pp 5.153 above will, subject to the following, normally apply to operator licensing. For this purpose, any references to hackney carriage and/or private hire driver's will, subject to the following, also be taken to include a reference to private hire operators. Applicants and applications will be interpreted accordingly and, where appropriate, requirements on applicants shall be taken to include all directors/partners etc where the applicant is a business.

## **7.25. Disclosure & Barring Service Checks**

### ***The frequency of disclosure checks***

7.26. As recommended best practice by the DfT, it is the policy of the licensing authority that all applicants (and, where appropriate, all directors or partners of any business applicant) must submit a suitable mandate that allows the licensing authority to obtain a standard criminal records disclosure at the point of each new application and normally, on renewal, every three years.

7.27. However, as -

(a) licensed drivers will ordinarily have undertaken and have provided an enhanced CRB disclosure for the purposes of obtaining a hackney carriage and/or private hire driver's licence, and

(b) during the term of their driver's licence any infringements that would ordinarily appear on an enhanced DBS disclosure would usually be reported to the Council through the notifiable occupations protocol,  
... it is the policy of the licensing authority to exempt any individual operator applicant who themselves hold a current driver's licence with the licensing authority from the requirement to provide another disclosure/mandate.

### ***The requisite level of DBS disclosures***

7.28. In recognition of the different levels of disclosure offered and of the limitations of the Rehabilitation of Offenders Act 1974 (see **Appendix C**), it is the policy of the licensing authority to require and accept standard level disclosures for operators.

## **7.29. Public Liability Insurance**

7.30. As private hire operators carry contractual responsibilities with their customers (e.g. to ensure that vehicles are punctual and get passengers to the airport on time etc) and may provide facilities to the general public as part of their daily business (e.g. waiting rooms, toilets etc at the taxi office), the licensing authority will, where appropriate, require applicant's to provide and maintain a suitable policy of public liability insurance. Such insurance must adequately cover any damage, loss or injury to any third party (e.g. customers and other members of the public) or property that may arise during the course of an operators business and day to day activities. For further details see pp 5.146.

### **7.31. Booking Record Capabilities & Entries**

7.32. In view of its record keeping requirements (see pp 7.37), the licensing authority will normally require on application for grant of an operator's licence, suitable evidence (e.g. a copy) of the format in which booking records will be kept, whether this be in hardcopy format or electronic means.

7.33. Where appropriate, and so as to be able to routinely check for the use of unlicensed drivers, vehicles and other operators (on sub-contracting), the licensing authority will normally require renewal applicants to similarly submit all prescribed booking records for any period of its choosing. For similar reasons, the licensing authority may also require existing licensed operators to submit prescribed booking records for any specified period at any time.

### **7.34. CONDITIONS OF OPERATOR LICENCE**

7.35. Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to attach such conditions to a private hire operator's licence as may be considered reasonably necessary.

7.36. The conditions that the licensing authority generally considers reasonably necessary for private hire operators are detailed in **Appendix E**. However, conditions concerning the following matters will, in particular, be applied where appropriate.

**NB:** The general conditions referred to above should not be seen as a comprehensive list of conditions or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may remove, modify and/or attach additional and/or alternative conditions appropriate to the individual circumstances of the case. Where appropriate, any condition(s) will comply with our policy on conditions detailed at **Appendix E**.

### **7.37. Record keeping requirements**

7.38. Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that licensed operators must keep a record of such particulars of every booking of a private hire vehicle invited or accepted by the operator concerned as may be prescribed by the licensing authority. Such particulars must be entered into the booking record system before the commencement of each journey.

7.39. To enable suitable and sufficient police checks to be made if anything should happen to a passenger or driver, to assist with the recovery of lost property and, where appropriate, to allow for suitable enforcement enquiries to be made, the licensing authority will

normally require, on condition, licensed operators to keep the following records which collectively are uniquely and consecutively numbered or referenced; namely -

- (a) the name of the hirer (i.e. the person taking the journey);
- (b) the location of their pick-up point;
- (c) the location of their destination;
- (d) the date and time the private hire vehicle is required;
- (e) the date and time that the booking was made;
- (f) the fare quoted for the journey;
- (g) whether the booking is a sub-contract booking from another operator and/or is to be sub-contracted by this operator; and
- (h) the name and address of any operator to which the booking may be sub-contracted.

7.40. In addition, and so as to identify the vehicle that was used and the driver who was driving at the time, the licensing authority will normally, on condition, and on exercise of S56(3) of the Local Government (Miscellaneous Provisions) Act 1976, require licensed operators to keep the following records; namely –

- (a) the name and licence number of the vehicle driver; and
- (b) the number of the vehicle used (this being either the vehicle registration or plate number).

7.41. In exercise of S56(3), and so as to ensure compliance in the use of licensed vehicles and drivers, the licensing authority will normally require, on condition, that an operator holds a copy of both the private hire vehicle licence of any vehicle that he is operating and the private hire driver's licence of any driver who is driving such a vehicle.

## **7.42. Association of drivers**

7.43. So as to satisfy itself that individual drivers are covered by all relevant and suitable insurance while working for an operator, the licensing authority will normally require, on condition, each operator to notify it, as soon as is reasonably practicable, of the start and/or finish date of its use and association with any individual driver.

## **7.44. Use of vehicles**

7.45. So as to satisfy itself that the vehicles intended to be used and/or operated by an operator are suitably licensed in accordance with the three licence rule, the licensing authority will normally require, on condition, each operator to notify it, as soon as is reasonably practicable, of the start and/or finish date of its operational use of any individual vehicle.

## **7.46. Change of company personnel**

7.47. In recognition that a business may legitimately apply for an operator's licence (see 7.10 above), and that the official personnel of the business may occasionally change, the licensing authority expects and will, on condition, require licensed operators to advise it of any pending change in company personnel. The licensing authority similarly expects and will normally require, on condition, any new official to undertake all relevant checks outlined above before they take office.

7.48. In recognition that changes to operator personnel can give rise to public safety and propriety concerns, the licensing authority will take a serious view of any licensed operator who fails, without reasonable excuse, to inform it of any change in company personnel.

7.49. For these purposes, the policies and standards set out between pp 5.24 and pp 5.61 will normally be applied to all information disclosed, submitted or volunteered by licensed operators subject to a change in company personnel.

## **7.50. Address from which operator may operate**

7.51. The practical effect of the requirement to hold an operator's licence is that the operator must have premises from which to control and direct one or more private hire vehicles. On grant or renewal of an operator's licence the licensing authority will therefore normally specify the address from which the operator may operate (i.e. the licence is address specific). The operating address is not transferable between premises or different addresses and a new operator's licence will be required where there is any change of operating address.

7.52. Operating from different premises than those specified on an operator's licence is unlawful, could create enforcement difficulties and result in the operation being unlicensed. The licensing authority will therefore normally require, on condition, that an operator notify it in writing of any change of address during the period of the licence (regardless of whether this is a home or business address) before this takes place. In all such circumstances a new application will be required.

7.53. In recognition of 'the three licence rule' and by way of ensuring that proper regulation and enforcement measures can be taken, the licensing authority will normally require, on condition, access to any operator premises at any reasonable time for the inspection of records and vehicles etc.

### **7.54. Multiple operator licences**

7.55. There is no restriction on the number of operator licences that can be held by one person or company etc. However, where more than one of these are within its area, the licensing authority will normally require, on condition, that all booking records (see pp 7.37) be kept separate for reasons stated at pp 7.33. Where other operator licences have been granted by different licensing authorities, the licensing authority notes and will require, on condition, that –

- (a) booking records must be kept separate;
- (b) there can be no passing of work from one operator to another (unless to another operator licensed by the same authority); and
- (c) the vehicles and drivers used must be licensed by the same authority as the operator who originally accepted the booking.

## **PART H**

# **8. SCHEME OF HACKNEY CARRIAGE FARES**

### **8.1. GENERAL ARRANGEMENTS**

8.2. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA76) provides that the licensing authority may set local hackney carriage fares for journeys within its area by means of a table or scheme of fares. There is no power to set private hire vehicle fares.

### **8.3. Frequency of review**

8.4. To ensure currency, economic viability and incentive to provide taxi services, it is the policy of the licensing authority that the scheme of hackney carriage fares be subject to annual review in accordance with the timetable and methodology below.

### **8.5. General methodology of review**

8.6. To allow comparison, increase understanding and transparency of any review, the licensing authority will normally calculate and consider a notional uplift using an approved formula based on various indices and measures of inflation relevant to taxi trade.

8.7. Also, by way of facilitating consultation and local trade input, the licensing authority will normally invite the taxi trade to submit proposals for change to the current scheme of fares by the 1st May each year (timed to reflect the annual and comparative nature of the review process).

8.8. By way of facilitating comparison and to assist it in determination of any proposed review of the scheme of fares, the licensing authority will normally take the following and similar matters into consideration –

- (a) Any notional uplift figure calculated in accordance with any approved formula;
- (b) A direct comparison table of extant and proposed changes to the pull off rate and/or running mile per unit distance travelled;
- (c) The fare charts of neighbouring authorities;
- (d) Any league table of national/regional taxi fares; and
- (e) Practical comparable journey fares from both extant and proposed fare schemes.

### **8.9. Nature of review**

8.10. Where appropriate, the licensing authority will normally review, in whole or part, the structure and/or any particular feature of the extant scheme of fares (e.g. unit costs, distances travelled, time periods, chronology, calendarisation and any additional extras etc).

### **8.11. Relevant considerations**

8.12. In reviewing the scheme of fares, the licensing authority will normally have regard to, but not be bound by the following considerations –

- (a) the needs of the travelling public;
  - (b) what may be reasonable to expect people to pay;
  - (c) the need to provide sufficient incentive to provide a taxi service when it is needed;
  - (d) the available supply of and demand for taxi services;
  - (e) any graduation of the above by time of day, day of the week, seasonal variation and/or on special occasions etc; and
  - (f) the practicality of proposed fare scheme arrangements.
- NB:** These considerations should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases.

# **PART I**

## **9. TAXI LICENSING FEES & CHARGES**

### **9.1. General philosophy**

9.2. By way of protecting the public funds it administers and ensuring that costs are not incurred on the public purse, the licensing authority will, where it is entitled to do so, seek to (re)cover all the costs of establishing and maintaining the appropriate licensing function, including a delegated licensing function. As such, the licensing authority shall seek to ensure, as far as is reasonably practicable, that the various taxi-licensing regimes are self-financing.

### **9.3. Fees**

9.4. By way of covering the costs associated with any licence application, the relevant fees shall be payable on grant of an application (whether for a full term licence (i.e. up to three years or a licence of limited or extended duration). Failure to submit the correct fees will render the application and/or any licence issued invalid/void.

9.5. The fees payable on grant will be the standard application fee in accordance with the Council's list of fees and charges that is or would be in force at the time the application was made or, in the case of applications for renewal, at the time any (pre)existing licence is due to expire. The total fees payable will also include any third-party charges (e.g. CRB, DVLA disclosure etc)(see pp 9.12) and any additional fees incurred as a consequence of the application (e.g. knowledge test charges). However, third party fees must be paid at the time they are due.

9.6. As fees and charges are subject to regular review and may be increased during the financial year, applications (whether for grant or renewal) received after any specified date of increase will require payment of any new charge levied. A current list of fees and charges will be made available at the Council Offices.

### **9.7. Multiple licences**

9.8. The licensing authority recognises that a single driver, operator and/or vehicle proprietor may have or seek to hold more than one licence. For the avoidance of doubt, a different licence (for which separate fees are payable) will be required for each operator premises

and/or vehicle concerned. Where appropriate, the policies on reimbursement, dishonoured payments and third party fees and charges shall equally apply.

### **9.9. Pro rata payments**

9.10. Where any licence is limited or extended beyond the usual term or duration of issue set out in this policy document, the licensing authority will normally charge a pro rata fee based on the standard fee applicable to the relevant application.

### **9.11. Third party fees and charges**

9.12. Where third-party fees and charges are applied and/or paid, all associated costs are to be borne by the applicant (e.g. CRB, statement of good conduct, DVLA mandate, medical etc).

9.13. Regardless of whether or not it handles any monies or transactions for and/or on behalf of the applicant and/or any third party (e.g. as a registered body), the licensing authority will treat third party fees and charges entirely separately and as a transaction between the applicant and third party concerned. The licensing authority will not therefore, normally refund any of third party costs should any licence application be refused. In all cases, third party fees must, where appropriate, be paid at the time they are due.

### **9.14. Reimbursement**

9.15 By way of covering the costs associated with any licence application, fees (or any part thereof) will not be reimbursed should any licence be unexploited or otherwise be surrendered at any time.

9.16. While the licensing authority aims to prevent the need for reimbursements, any reimbursement of any fees will be subject to policies on third party fees and charges (see pp 9.12).

### **9.17. Dishonoured payments**

9.18. Where any means of payment for any fee or charge is dishonoured or otherwise contested in any way, the licensing authority will, where appropriate, treat any application for, and any licence granted in consequence, as being invalid or void.

## **APPENDIX A**

### **9. CONSULTATION**

9.1. The following individuals, bodies and organisations have been consulted on this policy document.

All licensed hackney carriage drivers  
All licensed hackney carriage proprietors  
All licensed private hire drivers  
All licensed private hire operators  
All licensed private hire vehicle proprietors  
SSDC Environmental Health (Food, Health & Safety)  
SSDC Community Safety  
SSDC Environmental Protection  
SSDC Legal Services  
SSDC Planning Services  
SSDC Transportation Strategy Officer  
SSDC Equalities Steering Group  
South Somerset Disability Forum  
Somerset County Council – Transport Service  
Somerset County Council Highways  
Devon & Somerset Trading Standards & Consumer Protection  
Avon & Somerset Constabulary: Licensing Officer  
Avon & Somerset Constabulary: Roads Policing Unit  
Stagecoach South Western Trains Limited  
National Private Hire & Taxi Association  
Cab Direct

## APPENDIX B

# 10. SOUTH SOMERSET DISTRICT

### 10.1. OVERVIEW

10.2 South Somerset is a beautiful area in which to live, work and visit. Nestled between Devon and Dorset, it covers 370 square miles – making it one of the largest district areas in the UK.

We have an enviable mix of picturesque countryside, market towns and villages with individual charm, and the centre of Yeovil with significant employment and retail opportunities.

**By road** - South Somerset has a key position within the West Country. The A303 trunk road, which links London and the M25 with the West, enables fast journey times to the East and West. The M5 also passes through Somerset giving easy access to the Midlands and the North. The M5 can be joined at junction 25 at Taunton, just 20 minutes from the A303.

**By rail** - total of three rail lines serve Somerset, which provide a frequent travel service to both the Midlands and the South East.

**By air** - A location in Somerset is also valuable as connections to both Bristol and Exeter International airports are readily accessible. The proximity of both airports to South Somerset link it readily to major cities nationally and internationally.

Quality commercial sites and premises, great transport links, a town centre with good shopping and leisure facilities and superb countryside on its doorstep, all add up to make Yeovil a popular place to work and live.

For leisure activities, look no further than the Yeo Leisure Park, which boasts two restaurants, a bowling alley and bar, a multi-screen cinema and a fitness club and health suite.

Yeovil has a robust business environment firmly anchored by major firms like Agusta Westland (developing and manufacturing civil and military helicopters), BAE (software for the aerospace industry), Pittards (leather goods) and Garador Ltd (steel building components and garage doors).

The long-term future of Yeovil is also being looked at in Yeovil Vision; an exciting project looking at the future aspirations of the town for the next twenty years and ensuring those aspirations are delivered.



## **APPENDIX C**

# **11. POLICY ON THE RELEVANCE OF CONVICTIONS & OTHER ISSUES**

### **11.1. Introduction**

11.2. The following policies and guidelines will normally be used to determine the relevance of convictions, cautions and other known issues concerning those holding or seeking to apply for a hackney carriage and/or private hire driver licence, or as the case may be, a private hire operator licence.

### **11.3. General policy on the relevance of convictions and other issues**

11.4. In consideration of a criminal record and other relevant information (e.g. police intelligence, actions of other local authorities etc), the licensing authority will consider each case on its own merits and will take account of any disclosed information, convictions, cautions etc, only in so far as they are relevant to the individual's fitness and/or propriety to hold a licence.

11.5. An individual with a relevant conviction, caution etc need not be permanently barred from obtaining or holding a licence but shall generally be expected to -

(a) remain free of conviction etc for a suitable period according to the circumstances; and

(b) show, where appropriate, adequate evidence of good character from the time of any conviction or other relevant issue.

11.6. Where appropriate, the licensing authority may afford some discretion if the conviction, caution etc is isolated and there are relevant mitigating circumstances. Conversely, the licensing authority will take a more serious view of multiple offences or a series of offences etc over time as a pattern of inappropriate behaviour.

11.7. While each case will be considered on its own merits, the overriding consideration will be the protection of the public; particularly children and the vulnerable. As such, the licensing authority will, where appropriate, seek to ensure that those to whom it grants relevant authorisations are suitable, safe with good driving abilities and adequate experience, sober, courteous, honest and not persons who would take advantage of their employment or position to abuse or assault customers, others and/or their property.

**11.8. Offences that may be taken into consideration**  
***The Rehabilitation of Offenders Act 1974 (ROOA74)***

11.9. The licensing authority notes that the Rehabilitation of Offenders Act 1974 (ROOA74) aims to help individuals with a conviction history and generally provides that previous convictions need not be disclosed and should not be considered where they are spent i.e. after specified periods of time (dependant on the conviction concerned). However, because of the nature of certain occupations, the Rehabilitation of Offender's Act 1974 (Exceptions) Order 1975 (as amended) identifies a number of jobs where previous convictions cannot be regarded as spent. The licensing authority notes that these jobs include hackney carriage or private hire driving and therefore, the provisions of ROOA74 specifying when a spent conviction need not be disclosed/considered do not apply to applicants for, and holders of a hackney carriage and/or private hire driver's licence. However, ROOA74 does apply to private hire operators.

11.10. With reference to private hire operators, the licensing authority will normally take account of convictions, cautions etc that would ordinarily be regarded as unspent in accordance with the Rehabilitation of Offenders Act 1974 (see pp 11.8). For this purpose, the licensing authority will, where appropriate and, subject to excluded sentences, only take account of convictions, cautions etc that fall within the rehabilitation period set out in **table 4** below.

**Table 4 - THE REHABILITATION PERIOD APPLICABLE TO SENTENCES SUBJECT TO THE REHABILITATION OF OFFENDERS ACT 1974**

Sentence/Disposal	Rehabilitation Period	
	Adults (18 or over when convicted)	Young Persons (under 18 when convicted)
Custodial sentences, including: Imprisonment (including suspended sentence), Detention in a young offender institution, Borstal, Youth Custody, Corrective Training	<i>* these periods are measured from the day on which the sentence, including any licence period, is completed</i>	
Over 48 months (4 years)	Never	Never
From 30 months to 48 months (2½ – 4yrs)	7 years from end of sentence*	3 ½ years from end of sentence*
From 6 months to 30 months (½ – 2½ yrs)	4 years from end of sentence*	2 years from end of sentence*
6 months or less	2 years from end of sentence*	18 months from end of sentence*
Armed forces service detention	1 year from end of sentence*	6 months from end of sentence*
Removal from Her Majesty's service	1 year from conviction date	6 months from conviction date
Fine	1 year from conviction date	6 months from conviction date
Compensation order	When paid in full	When paid in full
Community order, Youth rehabilitation order	1 year from end of order (2 years from date of conviction if the order does not state an end date)	6 months from end of order
Conditional discharge	End of the period specified in the order	End of the period specified in the order
Absolute discharge	Spent immediately	Spent immediately
Bind-over order	End of the period specified in the order	End of the period specified in the order
Referral order, Disqualification order, Hospital order, Supervision order	End of the period specified in the order	End of the period specified in the order
<b>Cautions</b>		
Conditional Caution	3 months after issue, or on discharge of the conditions	3 months after issue, or on discharge of the conditions
Simple caution, Reprimand, Final warning	Spent immediately	Spent immediately

### **11.11 Hackney carriage and/or private hire driver's**

11.12. With reference to hackney carriage and/or private hire drivers', the licensing authority will normally take into account any convictions, cautions etc (whether spent or unspent) in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (see pp 11.8).

### **11.13. Issues generally considered to be relevant**

11.14. While not a comprehensive checklist, the licensing authority will, where entitled to do so, normally consider the general categories of issues listed in **table 5** below to be relevant for the purposes of hackney carriage and/or private hire driver licensing and/or private hire operator licensing. However, other issues offences may also be considered relevant in appropriate circumstances; particularly where it demonstrates a history of inappropriate behaviour.

11.15. For the purposes of these guidelines, convictions, conditional and formal/simple cautions (i.e. a formal admission of guilt) together with endorsable fixed penalties shall be treated as relevant considerations. Civil actions shall also be treated as relevant considerations, particularly (although not exclusively) those that resulted in suspension, revocation and/or the refusal to renew any hackney carriage and/or private hire driver and/or operator licence.

### **11.16. Consideration of suitability**

11.17. In considering whether any relevant information (convictions, cautions etc) renders an individual unsuitable to hold a licence, the licensing authority -

- (a) will not, in recognition that guilt has already been established, go behind any conviction, caution etc; but
- (b) may, by way of informing its assessment, take any of the following (and similar) matters into consideration –
  - (i) The nature and seriousness of any offence/issue;
  - (ii) The currency (i.e. age) of the conviction, caution/suspension etc;
  - (iii) The nature and extent of any penalty/sentence imposed or actions taken;
  - (iv) The circumstances giving rise to any conviction, caution, suspension etc;

- (v) The nature, degree and/or pattern to which similar offences/issues are repeated;
- (vi) Any reasons given by the Courts (or other authority) for imposing any relevant sentence/taking any action;
- (vii) The nature and degree of any remorse shown;
- (viii) The nature and extent of any residual risk/threat that the individual may pose to the public (either real or perceived);
- (ix) The honesty of the individual/applicant (i.e. in declaring any conviction, caution etc);
- (x) Any other aggravating, provoking or mitigating factors; and
- (xi) Any other information submitted by the individual concerned detailing why the conviction, caution etc should be disregarded.

**NB:** The above considerations should not be seen as a comprehensive checklist or, in any way, be regarded as matters to be automatically addressed in all cases. Where appropriate, the licensing authority may require additional information, documents, and/or take account of other matters it reasonably considers necessary to enable it to determine the most appropriate outcome and/or if conditions should be attached to any licence (where granted). In all cases, the costs of any additional requirements must be paid for by the individual concerned.

#### **11.18. Provision of additional information**

11.19. With reference to pp 11.16, and to assist it in determination of the relevance of disclosed information, convictions, cautions, suspensions etc and/or the suitability of the individual, the licensing authority will normally invite them to give -

- (a) any further details and/or explanation in respect of any disclosed and/or similar information; and/or
- (b) the opportunity to state why any conviction, caution, suspension etc should be disregarded.

#### **11.20. General actions and guidelines where issues are known**

11.21. Subject to the considerations of suitability at pp 11.15, the licensing authority will normally refuse, suspend, revoke and/or refuse to renew a licence where it considers that any relevant information, conviction, caution, suspension etc renders the individual unsuitable.

11.22. However, the licensing authority may, in exercising its discretion to grant, renew, suspend, revoke or otherwise refuse to renew a licence, take one or more of the following steps –

- (a) Give advice on the standards expected;
- (b) Issue a warning on future conduct;
- (c) Limit the term or duration of the licence;
- (d) Impose restrictions/conditions on the use of the licence\*;
- (e) Require suitable demonstration of knowledge and skills (e.g. driving standards and proficiency test);
- (f) Require the acquisition of knowledge and skills (e.g. NVQ in passenger transport);
- (g) Require a medical report / examination and/or monitoring;
- (h) Require such other information, documentation and certification as may be appropriate.

*\* which may include the alteration, omission of any existing condition(s) or the addition of any new condition(s) as may be appropriate.*

**NB:** The above matters should not be seen as a comprehensive checklist or, in any way be regarded as matters to be automatically applied in all cases. Where appropriate, the licensing authority may require additional information, documents etc, and/or take account of other matters it reasonably considers necessary to enable it to determine the most appropriate outcome and/or if conditions should be attached to any licence (where granted). In all cases, the costs of any additional requirements must be paid for by the individual concerned.

11.23. Subject to the considerations of suitability at pp 11.16, the examples given in **tables 6 to 16** below afford a general guide on the actions that might be taken where convictions, cautions etc are disclosed or other issues become known.

**NB:** These guidelines are specifically stated to be guidelines, are not prescriptive and purposefully allow for some discretion.

General Issue	Sub-Category examples (NB: Examples only)	General Relevance		Reason why this type of issue is generally considered to be relevant
		Driver	Operator	
<b>Local authority issues</b>	e.g. Health & safety, consumer protection, planning, nuisance, smoking etc.	Y	Y	Hackney carriage and/or private hire drivers and/or operators, whether employers, employed or self-employed are responsible for the health, safety and welfare of themselves, their employees and others who may be affected by their activities (i.e. public safety). Members of the public also generally entrust themselves to the care of both licensed drivers and operators in terms of fair dealings in respect of the exchange and handling of monies and personal data e.g. bank card, address details etc; together with ensuring contract arrangements are upheld e.g. bookings to take customers to the airport on time (i.e. consumer protection). Members of the public also expect that driver and operator activities do not give rise to nuisance and other problems (e.g. repeated sounding of horns to indicate their presence, undertaking vehicle repairs in the street, litter, street parking and cleaning of vehicles etc).
<b>Motoring issues</b> NB: Some endorseable traffic offences may attract more penalty points than others. By way of distinction, the licensing authority will normally treat offences as major offences where they incur four or more penalty points. Those incurring three or less penalty points will normally be considered minor offences.	Minor Traffic Offences	Y	N*	Driving proficiency (i.e. the summation of an individual's driving skills, knowledge and practices) is a core competence of a hackney carriage and/or private hire driver that can impact on both public safety, comfort and passenger experience; particularly for those with disabilities and other medical conditions. Poor driving practices can also result in penalty to and the disqualification of their DVLA driving licence (i.e. public safety). Operators do not generally drive members of the public, unless holding a separate driver's licence in which case, any driving offence will normally be related to the driver's licence. *However, motoring offences may be relevant to operators where there is a history of inappropriate behaviour.
	Major Traffic Offences	Y	N*	
<b>Discrimination issues</b>	e.g. Race, gender, disability, religion and belief, sexual orientation etc.	Y	Y	The licensing authority considers it appropriate to ensure, so far as is reasonably practicable, that taxi drivers and operators provide a suitable and efficient public transportation service to all (i.e. equality/consumer protection).
<b>Issues of dishonesty &amp; breaches</b>	e.g. Theft, burglary, fraud, forgery, evasion, deception, breach of bail, breach of community order or restraining order etc.	Y	Y	Licensed drivers and operators are expected to be people of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that people place in drivers/operators. Moreover, it is comparatively easy for a dishonest driver/operator to defraud the public by demanding more than the legal fare e.g. overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. Through bookings, operators and drivers may also be aware of homes or property that may be left empty and vulnerable (i.e. public safety/protection).
<b>Issues of damage</b>	e.g. Criminal damage, arson, vandalism etc.	Y	Y	Licensed drivers and operators maintain close contact with members of the public to whom they provide a customer service. Both drivers and operators deal with members of the public either face to face and/or over the telephone etc and are in possession of information about peoples whereabouts, movements and property.

General Issue	Sub-Category examples (NB: Examples only)	General relevance		Reason why this type of issue is generally considered to be relevant
		Driver	Operator	
<b>Issues involving substances</b>	e.g. Cultivation, possession, supply and use of drugs, drunkenness, drunk and disorderly behaviour etc.	Y	Y	Substance abuse/misuse can affect both driving ability and/or the fitness to drive. It may also be indicative of potential medical and/or psychological problems. Hackney carriage and/or private hire drivers and/or operators work in the public domain and are placed in a position of responsibility and trust. In particular, they are responsible for the health, safety and welfare of themselves, their employees and others who may be affected by their activities (i.e. public safety). It is comparatively easy for dishonest drivers/operators to use a taxi vehicle while under the influence of alcohol/drugs while giving the impression of normal taxi activities and/or to provide their services for illicit use.
<b>Issues of violence and public order</b>	e.g. Murder, manslaughter, malicious wounding, grievous bodily harm, actual bodily harm, assault, cruelty, affray, harassment, obstruction, wounding, threatening and/or disorderly behaviour etc.	Y	Y	Licensed drivers and operators maintain close contact with members of the public to whom they provide a customer service. Both drivers and operators deal with members of the public either face to face and/or over the telephone etc and are in possession of information about people's whereabouts, movements and property.
<b>Indecency/sexual issues</b> NB: inclusive of non consensual offences, offences involving ostensible consent, preparatory and exploitation offences etc.	e.g. Rape, buggery, indecent assault, indecent exposure, importuning, gross indecency, under-age sex, obscene materials, soliciting, grooming, trafficking etc.	Y	Y	Both licensed drivers and operators are placed in a position of responsibility and trust. Drivers may carry vulnerable individuals (e.g. unaccompanied females (perhaps in drink), children etc). Operator's may also have to deal with members of the public either face to face and/or over the telephone etc and are in possession of information about people's whereabouts and movements.
<b>Issues concerning licensing law and/or conditions</b>	e.g. Over-charging, unlicensed driving or plying for hire, prolongation of journey, interference with a taxi meter, failure to give information and/or assistance etc.	Y	Y	The main purpose of taxi licensing law and any conditions attached to any licence (where issued) is generally to ensure the protection of the public. Compliance with the law etc also ensures a fairness of approach, the maintenance of a level playing field and a general framework of common standards. It is comparatively easy for dishonest drivers/operators to disregard licensing-related requirements and standards for their own benefit, pecuniary and/or competitive advantage (e.g. over-charging, 'warming' the taximeter, prolongation of journeys, holding back the head of the rank etc).

<b>TABLE 6 - GENERAL GUIDELINES ON THE ASSESSMENT &amp; ACTIONS TO BE TAKEN WHERE THERE ARE KNOWN ISSUES</b>		
<b>RELEVANT ISSUE</b>	<b>GENERAL ACTIONS TO BE TAKEN</b>	
<b>Minor Traffic Issues</b>	<b>ON APPLICATION (whether first time grant or on renewal)</b>	
	<b>Isolated cases</b>	<b>More than one case</b>
<p>While not an exhaustive list of issues to which this section applies, examples include -                      Defective eyesight;                      Failing to comply with traffic signs;                      Failing to comply with traffic lights;                      Vehicle left in a dangerous position;                      etc.</p> <p><b>NB:</b> The licensing authority notes that some traffic offences may attract more penalty points than others (so called 'hybrid' offences). For the purposes of distinction, the licensing authority will normally treat such offences as major offences where they incur four or more penalty points. Offences incurring three or less penalty points will normally be considered minor offences.</p>	<p>Subject to seriousness and other relevant considerations (see pp 11.15), isolated convictions for minor traffic offences will not normally prevent a person from proceeding with an application.</p>	<p>Where there are multiple indications of poor driving standards and practices etc renewal applicants may be required to demonstrate suitable driving standards and proficiency and/or other similar requirements; particularly where -</p> <p>(a) Six or more penalty points have been applied to a driving licence in a rolling calendar year; or</p> <p>(b) Nine or more penalty points have been applied to a driving licence in a rolling three year period.</p> <p>For any applicant, where sufficient points have been accrued (i.e. under 'totting up' arrangements) to require a period of disqualification of the applicant's DVLA driving licence, then a driver's licence may only be granted after its restoration and then, subject to strict warning as to future conduct. However, where appropriate to the number type and frequency of this type of offence, applicants will normally be expected to show a period free of conviction/penalty for at least 12 months.</p> <p>If sufficient points have been accrued to warrant a period of disqualification, but a Court allows a DVLA driving licence to continue e.g. due to extenuating circumstances, a taxi driver's licence will not normally be granted (subject to consideration of any reasons given by the Court) until the total cumulative points are reduced or otherwise become spent to a level below which disqualification is ordinarily considered/imposed.</p> <p>More than one DVLA driving licence disqualification (whether solely due to 'totting up' of minor traffic offences or in combination with any other reason (e.g. for a more serious traffic offence (see below)) will normally merit refusal until at least three years have elapsed from the date of the most recent conviction or, as the case may be, the date of restoration of the DVLA driving licence where suspended, forfeit or otherwise disqualified.</p>
		<b>FOR EXISTING LICENCE HOLDERS</b>
	<b>Isolated cases</b>	<b>More than one case</b>

	Subject to any aggravating factors, isolated convictions for minor traffic offences will not normally affect the holding of an existing taxi driver's licence.	<p>Where there are multiple indications of poor driving standards and practices etc licence holders may be required to demonstrate satisfactory and suitable driving standards and proficiency (and/or other similar requirements) within a suitable period; particularly where -</p> <p>(a) Six or more penalty points have been applied to a driving licence in a rolling calendar year; or</p> <p>(b) Nine or more penalty points have been applied to a driving licence in a rolling three year period.</p> <p>Where sufficient points have been accrued (i.e. under 'totting up' arrangements) to require a period of disqualification of a taxi driver's DVLA driving licence, then a hackney carriage and/or private hire driver's licence will normally be subject to suspension and, subject to strict warning as to future conduct, re-instated only after the DVLA licence is restored. Renewal and/or reinstatement of a hackney carriage and/or private hire driver's licence on restoration of the DVLA driving licence may also be subject to satisfactory demonstration of suitable driving standards and proficiency and/or other similar requirements associated with any of the reasons (whether collectively or in isolation) for DVLA licence disqualification.</p>
<b>TABLE 7 - GENERAL GUIDELINES ON THE ASSESSMENT &amp; ACTIONS TO BE TAKEN WHERE THERE ARE KNOWN ISSUES</b>		
<b>RELEVANT ISSUE</b>	<b>GENERAL ACTIONS TO BE TAKEN</b>	
<b>Major Traffic Issues</b>	<b>ON APPLICATION (whether first time grant or on renewal)</b>	
	<b>Isolated cases</b>	<b>More than one case</b>
<p>While not an exhaustive list of issues to which this section applies, examples include -</p> <p>Dangerous driving;  Driving without due care &amp; attention;  Driving while disqualified;  Driving without the correct insurance  etc.</p> <p><b>NB:</b> The licensing authority notes that some traffic offences may attract more penalty points than others (so called 'hybrid'</p>	<p>Subject to seriousness and other relevant considerations (see pp 11.15), an isolated conviction (without disqualification) for a more serious traffic offence will normally, at the very least, merit strict warning as to future driving conduct, and advice on the standard expected of Hackney Carriage or Private Hire vehicle drivers. Renewal applicants may also be required to demonstrate satisfactory and suitable driving standards and proficiency (and/or other similar requirements) particularly where -</p>	<p>More than one conviction for a more serious traffic offence within the last six years will normally merit refusal until at least three years have elapsed from the date of the most recent conviction or, as the case may be, the restoration of the DVLA driving licence where suspended, forfeit or otherwise disqualified).</p>

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<p>offences). For the purposes of distinction, the licensing authority will normally treat such offences as major offences where they incur four or more penalty points. Offences incurring three or less penalty points will normally be considered minor offences.</p>	<p>(a) Six or more penalty points have been applied to a driving licence in a rolling calendar year; or</p> <p>(b) Nine or more penalty points have been applied to a driving licence in a rolling three year period.</p> <p>Where the conviction is within 6 months of the date of application, the application will normally be refused.</p> <p>(a)</p> <p>(b) Where conviction for a major traffic offence resulted in a period of disqualification, an application will normally be refused until at least three years have elapsed from the date of the conviction or, as the case may be, the date of restoration of the DVLA driving licence where suspended, forfeit or otherwise disqualified.</p>	
<p><b>FOR EXISTING LICENCE HOLDERS</b></p>		
	<p><b>Isolated cases</b></p> <p>Subject to seriousness and other relevant considerations (see pp 11.15), an isolated conviction for a more serious traffic offence will normally merit strict warning as to future driving conduct and advice on the standard expected of hackney carriage and/or private hire drivers. Where appropriate, licence holders may be required to demonstrate satisfactory and suitable driving standards and proficiency (and/or other similar requirements associated with the case) within a suitable period; particularly where -</p> <p>(a) Six or more penalty points have been applied to a driving licence in a rolling calendar year; or</p> <p>(b) Nine or more penalty points have been applied to a driving licence in a rolling three year period.</p> <p>Where conviction results in a period of disqualification, then a hackney carriage and/or private hire driver's licence will normally be subject to suspension and, subject to strict warning as to future conduct, re-instated only after the DVLA licence is restored.</p> <p>Renewal and/or reinstatement of a hackney carriage and/or private hire driver's licence on restoration of the DVLA driving licence may also be subject to satisfactory demonstration of suitable driving standards and proficiency and/or other similar requirements associated with any of the reasons (whether collectively or in isolation) for DVLA licence disqualification.</p>	<p><b>More than one case</b></p> <p>More than one conviction for a more serious traffic offence within a period of six years (from the date of the most recent conviction) will normally result in revocation of the licence.</p>

<b>TABLE 8 - GENERAL GUIDELINES ON THE ASSESSMENT &amp; ACTIONS TO BE TAKEN WHERE THERE ARE KNOWN ISSUES</b>	
<b>RELEVANT ISSUES</b>	<b>GENERAL ACTIONS TO BE TAKEN</b>
<b>Drunkness (with Motor Vehicle)</b>	<b>ON APPLICATION (whether first time grant or on renewal)</b>
	<b>Isolated cases</b>
	<p>A <b>serious</b> view will normally be taken of any convictions of driving or being in charge of <b>any</b> vehicle under the influence of drink. Subject to seriousness and other relevant considerations (see pp 11.15), an isolated incident (without disqualification) will not necessarily debar an applicant but will, where appropriate, merit strict warning as to future driving conduct, and advice on the standard expected of Hackney Carriage or Private Hire vehicle drivers.</p> <p>Where conviction for a drink-driving offence resulted in a period of disqualification, an application will normally be refused until at least three years have elapsed from the date of the conviction or, as the case may be, the date of restoration of the DVLA driving licence where suspended, forfeit or otherwise disqualified.</p>
	<b>More than one case</b>
	<p>More than one conviction for these offences within the last six years will normally merit refusal until at least five years have elapsed following the most recent conviction or, as the case may be, the restoration of the DVLA driving licence where suspended, forfeit or otherwise disqualified.</p> <p>Where there is any suggestion that the applicant is an alcoholic, a special medical examination (at the applicants expense) will normally be required before the application can be determined. Where the applicant is found to be an alcoholic, this will normally merit refusal until at least a period of five years has elapsed from the date detoxification treatment is certified complete</p>
	<b>FOR EXISTING LICENCE HOLDERS</b>
<b>Isolated cases</b>	
<p>As professional drivers, a <b>serious</b> view will normally be taken in respect of any licensed hackney carriage and/or private hire driver found driving or being in charge of <b>any</b> vehicle under the influence of drink. Subject to the seriousness of the case and other relevant considerations (see pp 11.15), a single incident may therefore result in the suspension and/or revocation of a licence but will, at the very least, merit strict warning as to future driving conduct and advice on the standard expected of hackney carriage and/or private hire drivers. Where appropriate, demonstration of attendance of a suitable rehabilitation course and/or other similar requirements associated to the case may also be required before a licence will be re-instated.</p>	
<b>More than one case</b>	
<p>More than one conviction for driving or being in charge of a vehicle under the influence of drink within a period of six years (from the date of the most recent conviction) will normally result in revocation of the licence.</p>	

<b>TABLE 9 - GENERAL GUIDELINES ON THE ASSESSMENT &amp; ACTIONS TO BE TAKEN WHERE THERE ARE KNOWN ISSUES</b>		
<b>RELEVANT ISSUES</b>	<b>GENERAL ACTIONS TO BE TAKEN</b>	
<b>Drunkenness (Not in Motor Vehicle)</b>	<b>ON APPLICATION (whether first time grant or on renewal)</b>	
	<b>Isolated cases</b>	<b>More than one case</b>
	An isolated conviction for drunkenness will not normally debar an applicant from gaining a licence. Subject to seriousness and other relevant considerations (see pp 11.15), a warning as to future conduct and behaviour may be appropriate.	As more than one conviction for drunkenness could indicate a medical problem an additional and more critical medical examination (at the applicants expense) may be required before an application can be determined. More than one conviction for drunkenness will normally merit a warning as to future behaviour and conduct, advice on the standard expected of hackney carriage and/or private hire drivers and/or where appropriate, demonstration of attendance of a suitable rehabilitation course or other similar requirement. Where the applicant is found to be an alcoholic, this will normally merit refusal until at least a period of five years has elapsed from the date detoxification treatment is certified complete.
	<b>FOR EXISTING LICENCE HOLDERS</b>	
	<b>Isolated cases</b>	<b>More than one case</b>
	Subject to seriousness and other relevant considerations (see pp 11.15), an isolated conviction for drunkenness will normally merit strict warning as to future behaviour/conduct and/or advice on the standard expected of hackney carriage and/or private hire drivers.	As more than one conviction for drunkenness could indicate a medical problem a critical medical examination may be required of the licensed driver. More than one conviction for drunkenness will normally merit a warning as to future behaviour and conduct, advice on the standard expected of hackney carriage and/or private hire drivers and/or where appropriate, demonstration of attendance of a suitable rehabilitation course or other similar requirement. Where a driver is found to be an alcoholic, this will normally merit revocation of a hackney carriage and/or private hire driver's licence.

<b>TABLE 10 - GENERAL GUIDELINES ON THE ASSESSMENT &amp; ACTIONS TO BE TAKEN WHERE THERE ARE KNOWN ISSUES</b>	
<b>RELEVANT ISSUES</b>	<b>GENERAL ACTIONS TO BE TAKEN</b>
<b>Indecency Offences</b>	<b>ON APPLICATION (whether first time grant or on renewal)</b>
While not an exhaustive list of issues to which this section applies, examples include - Rape; Indecent assault; Indecent exposure; Importuning; Gross indecency; Under-age sex; Obscene materials; Soliciting; etc.	As licensed taxi drivers are placed in a position of trust and may carry vulnerable individuals (e.g. unaccompanied females (perhaps in drink), children etc), the licensing authority will normally consider any sexual or indecency offences <b>seriously</b> . Subject to seriousness and other relevant considerations (see pp 11.15), the licensing authority will, therefore, normally refuse any licence application until the applicant has remained free of conviction for a <b>substantial</b> period (up to ten years) since the time of conviction. Where a licence is granted, this will normally be time limited and be subject to rigorous monitoring and a strict warning as to future conduct.
	<b>FOR EXISTING LICENCE HOLDERS</b>
	As licensed taxi drivers are placed in a position of trust and may carry vulnerable individuals (e.g. unaccompanied females (perhaps in drink), children etc), the licensing authority will consider any sexual or indecency offences <b>seriously</b> . Subject to seriousness and other relevant considerations (see pp 11.15), the licensing authority will, therefore, normally suspend and, where appropriate, revoke a licence where any such offence is committed; even in the first instance.

<b>TABLE 11 - GENERAL GUIDELINES ON THE ASSESSMENT &amp; ACTIONS TO BE TAKEN WHERE THERE ARE KNOWN ISSUES</b>	
<b>RELEVANT ISSUES</b>	<b>GENERAL ACTIONS TO BE TAKEN</b>
<b>Drugs</b>	<b>ON APPLICATION (whether first time grant or on renewal)</b>
While not an exhaustive list of issues to which this section applies, examples include - Cultivation; Possession; Supply; etc.	Convictions for one or more drug-related offences will normally merit refusal until a period of at least five years has elapsed from the date of the most recent conviction.
	Where there is any suggestion that the applicant is an addict and/or user, a special medical examination will normally be required before the application is determined. Where the applicant is found to be an addict, this will normally merit refusal until at least a period of five years has elapsed from the date detoxification treatment is certified complete.

	<b>FOR EXISTING LICENCE HOLDERS</b>
	A <b>serious</b> view will normally be taken in respect of any licensed driver convicted for one or more drug-related offences. Subject to the seriousness of the case and other relevant considerations (see pp 11.15), a single incident may therefore result in the suspension and/or revocation of a licence even in the first instance, but will, at the very least, merit strict warning as to future conduct and advice on the standards expected of licensed drivers/operators. Where appropriate, demonstration of attendance of a suitable rehabilitation course and/or other similar requirements associated the case may be required. More than one conviction for drug related offences within a period of five years (from the date of the most recent conviction) will normally result in revocation of the licence.

<b>TABLE 12 - GENERAL GUIDELINES ON THE ASSESSMENT &amp; ACTIONS TO BE TAKEN WHERE THERE ARE KNOWN ISSUES</b>			
<b>RELEVANT ISSUES</b>	<b>GENERAL ACTIONS TO BE TAKEN</b>		
<b>Offences of Violence</b>	<b>ON APPLICATION (whether first time grant or on renewal)</b>		
	<b>Isolated cases</b>		<b>More than one case</b>
While not an exhaustive list of issues to which this section applies, examples include - Murder; Manslaughter; Malicious wounding; Grievous bodily harm; Actual bodily harm; Assault; Affray; Harassment; Wounding; etc.	As licensed drivers and operators maintain close contact with the public, a <b>serious</b> view will normally be taken where applicants have convictions for offences of violence. Subject to seriousness and other relevant considerations (see pp 11.15), convictions for one or more violence-related offences will normally merit refusal until a period of between three and twenty years has elapsed from the date of the most recent conviction. Even then, strict warning as to future conduct and advice on the standards expected of licensed drivers / operators will normally be given before a licence is granted. Where appropriate, demonstration of attendance of a suitable course and/or other similar requirements associated with the case may also be required before a licence is issued. This may include for example, courses or qualifications concerning customer care, anger management, dealing with difficult situations / managing conflict or similar. In particular, applications will normally be refused where the applicant has a conviction for		
	<ul style="list-style-type: none"> <li>• Murder;</li> <li>• Manslaughter (including culpable homicide) (and/or while driving);</li> <li>• Arson;</li> <li>• Malicious Wounding or Grievous Bodily Harm which is racially aggravated;</li> <li>• Actual Bodily Harm which is racially aggravated;</li> </ul> or similar level offence;	<ul style="list-style-type: none"> <li>• Grievous Bodily Harm with Intent;</li> <li>• Grievous Bodily Harm;</li> <li>• Racially aggravated criminal damage;</li> <li>• Racially aggravated fear or provocation of violence;</li> <li>• Racially aggravated harassment, alarm or distress;</li> </ul> or similar level offence; ... and the conviction is less than <b>seven years</b> prior to the date of application.	<ul style="list-style-type: none"> <li>• Common assault;</li> <li>• Common assault which is racially aggravated;</li> <li>• Assault occasioning actual bodily harm;</li> <li>• Assault of police officer;</li> <li>• Affray;</li> <li>• Obstruction;</li> <li>• Possession of an offensive weapon;</li> <li>• Possession of a firearm;</li> </ul>

	... and the conviction is less than <b>10-20 years</b> prior to the date of application		<ul style="list-style-type: none"> <li>• Criminal damage;</li> <li>• Violent disorder;</li> <li>• Resisting arrest;</li> </ul> or similar level offence; ... and the conviction is less than <b>three years</b> prior to the date of application.
<b>FOR EXISTING LICENCE HOLDERS</b>			
	<b>Isolated cases</b>	<b>More than one case</b>	
	A <b>serious</b> view will normally be taken in respect of any licensed driver or operator convicted for an offence of violence. Subject to the seriousness of the case and other relevant considerations (see pp 11.15), a single incident may therefore result in the suspension and/or revocation of a licence but will, at the very least, merit strict warning as to future conduct and advice on the standards expected of licensed drivers / operators. Where appropriate, demonstration of attendance of a suitable course and/or other similar requirements associated the case may also be required. This may include for example, courses or qualifications concerning customer care, anger management, dealing with difficult situations / managing conflict or similar.	More than one conviction for violence-related offences within a period of six years (from the date of the most recent conviction) will normally result in revocation of the licence.	

<b>TABLE 13 - GENERAL GUIDELINES ON THE ASSESSMENT &amp; ACTIONS TO BE TAKEN WHERE THERE ARE KNOWN ISSUES</b>		
<b>RELEVANT ISSUES</b>		
<b>Offences of Dishonesty</b>	<b>ON APPLICATION (whether first time grant or on renewal)</b>	
	<b>Isolated cases</b>	<b>More than one case</b>
While not an exhaustive list of issues to which this section applies, examples include - Theft; Burglary; Fraud; Forgery; Deception; etc.	As licensed drivers / operators are expected to be people of trust, a <b>serious</b> view will normally be taken where applicants have convictions for offences of dishonesty. Subject to seriousness and other relevant considerations (see pp 11.15), convictions for one or more dishonesty-related offences will normally merit refusal until a period of between three and six years have elapsed from the date of the most recent conviction and even then strict warning as to future conduct and advice on the standards expected of licensed drivers/operators will normally be given before a licence is granted.	

	<b>FOR EXISTING LICENCE HOLDERS</b>	
	<b>Isolated cases</b>	<b>More than one case</b>
	A <b>serious</b> view will normally be taken in respect of any licensed driver or operator convicted for an offence of dishonesty. Subject to the seriousness of the case and other relevant considerations (see pp 11.15), a single incident may therefore result in the suspension and/or revocation of a licence but will, at the very least, merit strict warning as to future conduct and advice on the standards expected of licensed drivers/operators.	More than one conviction for dishonesty-related offences within a period of six years (from the date of the most recent conviction) will normally result in revocation of the licence.

<b>TABLE 14 - GENERAL GUIDELINES ON THE ASSESSMENT &amp; ACTIONS TO BE TAKEN WHERE THERE ARE KNOWN ISSUES</b>		
<b>RELEVANT ISSUES</b>	<b>GENERAL ACTIONS TO BE TAKEN</b>	
<b>Offences of Discrimination</b>	<b>ON APPLICATION (whether first time grant or on renewal)</b>	
	<b>Isolated cases</b>	<b>More than one case</b>
While not an exhaustive list of issues to which this section applies, examples include - Race; Gender; Disability; Religion and belief; Sexual orientation; etc.	A <b>serious</b> view will be taken of any conviction for any discrimination-related offences and will, where appropriate, merit refusal in the more serious of cases until a period of three years has elapsed from the date of the most recent conviction. However subject to seriousness and other relevant considerations (see pp 11.15), an isolated incident will not necessarily debar an applicant but will, where appropriate, merit strict warning as to future conduct and advice on the standard expected of	More than one conviction for discrimination will normally merit refusal until at least a period of three years has elapsed from the date of the most recent conviction.

	licensed drivers/operators.	
	<b>FOR EXISTING LICENCE HOLDERS</b>	
	<b>Isolated cases</b>	<b>More than one case</b>
	<p>The licensing authority considers it appropriate to ensure, so far as is reasonably practicable, that licensed drivers and operators provide a suitable and efficient public transportation service to all (i.e. equality/consumer protection). Subject to the seriousness of the case and other relevant considerations (see pp 11.15), a single incident may therefore result in the suspension and/or revocation of a licence but will, at the very least, merit strict warning as to future conduct and advice on the standards expected of licensed drivers/operators. Where appropriate, demonstration of attendance of a suitable course and/or other similar requirements associated with the case may also be required. This may include for example, courses or qualifications concerning customer care, meeting the needs of people with disabilities, relevant legislation, equality and diversity etc.</p>	<p>More than one conviction for discrimination-related offences within a period of six years (from the date of the most recent conviction) will normally result in revocation of the licence.</p>

<b>TABLE 15 - GENERAL GUIDELINES ON THE ASSESSMENT &amp; ACTIONS TO BE TAKEN WHERE THERE ARE KNOWN ISSUES</b>		
<b>RELEVANT ISSUES</b>	<b>GENERAL ACTIONS TO BE TAKEN</b>	
<b>Taxi-related Offences</b>	<b>ON APPLICATION (whether first time grant or on renewal)</b>	
	<b>Isolated cases</b>	<b>More than one case</b>
While not an exhaustive list of issues to which this section applies, examples include - Over-charging; Unlicensed driving; Prolongation of journey; Illegally plying for hire; Interference with a taxi meter; Fail to give information / assistance; Breach of licence conditions; etc	The main purpose of the taxi licensing regimes is to ensure the protection of the public. For this reason, a <b>serious</b> view will be taken of any conviction for any offence under any of the taxi regulatory provisions or otherwise for failing to comply with any associated requirements (including those properly made by licensing officers under the law). In general, convictions for one or more taxi-related offences will normally merit refusal until a period of one to three years has elapsed from the date of the most recent conviction.	
	A <b>serious</b> view will also be taken of any actions resulting in suspension and/or revocation of any previous hackney carriage and/or private hire driver's and/or operator's licence issued by any other licensing authority. In general, and subject to the circumstances, previous suspension and/or revocation of a driver's and/or operator's licence may result in refusal until a period of one to three years has elapsed from the date of the most recent event. Where there are any concerns connected to the role of a licensed driver and/or operator, the licensing authority may require applicants to attend a relevant course and/or obtain a relevant qualification where it considers it appropriate in the circumstances. This may include for example, courses or qualifications concerning customer care, meeting the needs of people with disabilities, relevant legislation, road safety, driving proficiency, the handling of emergencies, dealing with difficult situations / managing conflict or similar.	
	<b>FOR EXISTING LICENCE HOLDERS</b>	
	<b>Isolated cases</b>	<b>More than one case</b>

	<p>The main purpose of the taxi licensing regimes is to ensure the protection of the public. For this reason, a <b>serious</b> view will be taken of any conviction for any offence under any of the taxi regulatory provisions or otherwise for failing to comply with any associated requirements (including those properly made by licensing officers under the law).</p> <p>Subject to the seriousness of the case and other relevant considerations (see pp 11.15), a single incident may therefore result in the suspension and/or revocation of a licence but will, at the very least, merit strict warning as to future conduct, advice on the standards expected of licensed drivers/operators. Where appropriate, demonstration of attendance of a suitable course and/or other similar requirements associated with the case may be required. This may include for example, courses or qualifications concerning customer care, meeting the needs of people with disabilities, relevant legislation, cabology, handling money or similar</p>	<p>More than one conviction for taxi-licensing related offences within a six year period will normally merit suspension and/or revocation of a licence.</p>
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<b>TABLE 16 - GENERAL GUIDELINES ON THE ASSESSMENT &amp; ACTIONS TO BE TAKEN WHERE THERE ARE KNOWN ISSUES</b>		
<b>RELEVANT ISSUES</b>	<b>GENERAL ACTIONS TO BE TAKEN</b>	
<b>Local Authority Offences</b>	<b>ON APPLICATION (whether first time grant or on renewal)</b>	
	<b>Isolated cases</b>	<b>More than one case</b>
<p>While not an exhaustive list of issues to which this section applies, examples include -                      Health &amp; safety;                      Consumer protection;                      Planning;                      Nuisance;                      Smoking;                      etc.</p>	<p>A <b>serious</b> view will be taken of any conviction for any offence involving public safety, nuisance and/or other consumer/public protection issues and will normally merit refusal in the more serious of cases until a period of three years has elapsed from the date of the most recent conviction. However,</p>	<p>A <b>serious</b> view will be taken of any conviction for any relevant local authority offence involving public safety, nuisance and/or relevant consumer/public protection issues. Subject to seriousness and other relevant considerations (see pp 11.15), convictions for more than one such offences will normally</p>

	<p>subject to seriousness and other relevant considerations (see pp 11.15), an isolated incident will not necessarily debar an applicant but will, where appropriate, merit strict warning as to future conduct, and advice on the standard expected of licensed drivers/operators.</p>	<p>merit refusal until a period of three years has elapsed from the date of the most recent conviction.</p>
<p><b>FOR EXISTING LICENCE HOLDERS</b></p>		
<p><b>Isolated cases</b></p>		<p><b>More than one case</b></p>
	<p>By way of ensuring public safety/consumer protection, a <b>serious</b> view will be taken of any conviction for any relevant local authority offences. Subject to the seriousness of the case and other relevant considerations (see pp 11.15), a single incident may therefore result in the suspension and/or revocation of a licence but will, at the very least, merit strict warning as to future conduct and advice on the standards expected of licensed drivers/operators.</p>	<p>A <b>serious</b> view will be taken of any conviction for any relevant local authority offence involving public safety, nuisance and/or relevant consumer/public protection issues. Subject to seriousness and other relevant considerations (see pp 11.15), convictions for more than one such offences will normally merit refusal until a period of three years has elapsed from the date of the most recent conviction.</p>

## **APPENDIX D**

### **12. KNOWLEDGE TEST POLICY**

#### **12.1. INVIGILATION**

12.2. An invigilator will monitor your behaviour during the test, and ensure that the test is conducted in accordance with test rules and policy.

12.3. If, in the opinion of the invigilator, the test has not been conducted in accordance with the test rules and policy, all test results and question papers etc are void.

12.4. If you have any questions before or during the test, you may ask the invigilator. However, the invigilator will not explain subject-specific terms or expressions or otherwise say or do anything that could be interpreted as giving applicants an advantage.

#### **12.5. First language policy**

12.6. All question papers and answers etc will be provided in English only.

12.7. No translation or interpretation of questions/answers, question papers or other such matter associated with the test shall be permitted and/or accepted.

#### **12.8. Equipment, materials and other items**

12.9. You must not use or have in your possession any of the following equipment / materials whilst taking your test.

- (a) Mobile Phone
- (b) Calculator
- (c) Pager
- (d) Personal Laptop/PC
- (e) Other communications equipment
- (f) Other (multi) media equipment

(g) Paperwork/documentation

(h) Any books, magazines or similar

(i) Any other equipment/materials that may help with the test

12.10. If you are in possession of any of the above items at the time of taking your test, you must ensure that these are handed to the invigilator for supervision before taking the test. Possession and/or use of any such equipment/materials will result in automatic disqualification and all results will be void.

12.11. Except for the invigilator, you are not permitted to take anyone else to sit with you whilst taking your test. Contact and/or discussion with anyone else during the test will result in automatic disqualification and all results will be void.

### **12.12. Cheating**

12.13. A serious view will be taken of any action(s) that may be interpreted as cheating during a test. Hackney carriage and/or private hire drivers are expected to be persons of trust. Therefore, in all cases of proven or otherwise suspected cheating, all test results and question papers etc will be void. Suspected cheating may also be taken into consideration in determination of an applicant's propriety.

### **12.14. Safety & Welfare**

12.15. If the fire alarm goes off during a test, you should evacuate the building with the invigilator. You must remain with the invigilator at all times until the disruption is over. Where appropriate, you may need to make an appointment to retake the test at a future point.

12.16. Should you need to leave the test room during the test (e.g. to use the toilet), you must ask the invigilator. The invigilator may accompany the applicant to ensure that the test is conducted in accordance with test rules and policy.

12.17. If you feel unwell and/or too ill to continue the test, please tell the invigilator. Where appropriate, you may need to make an appointment to retake the test at a future point.

### **12.18. Points of dispute**

12.19. If you feel aggrieved by the results of your test or believe that the results of your test are incorrect, you should direct your concerns or enquires (in writing) to the Licensing Manager, South Somerset District Council, Council Offices, Brympton Way, Yeovil, Somerset BA20 2HT.

## **APPENDIX E**

### **13. CONDITIONS OF LICENCE**

#### **13.1. GENERAL**

#### **13.2. What we mean by ‘conditions’**

13.3. Conditions include any terms, limitations or restrictions attached to a relevant authorisation and are essentially the steps a licence holder will be required to take or refrain from taking whenever acting in the capacity of a licensed driver, operator and/or when using or otherwise providing a licensed vehicle.

#### **13.4. General principles on the imposition of conditions**

13.5. The licensing authority will, where it is entitled to do so, normally impose conditions only in respect of matters that are within the control of the applicant and/or the holders of relevant authorisations.

13.6. As many issues of conduct, maintenance and operation of driver, vehicle and operator licences are generic, the licensing authority considers it appropriate to attach standardised conditions for each licence type issued as set out below. However, where appropriate, the licensing authority may, where it is entitled to do so, impose conditions that are tailored to the individual size, style and characteristics of the individual, vehicle and/or premises concerned and/or the activities provided there.

13.7. The licensing authority will seek to avoid disproportionate and/or over burdensome conditions wherever reasonably practicable and will, where it is entitled to do so, normally seek to ensure that conditions –

- (a) are only imposed where legal authority exists to do so;
- (b) are reasonable;
- (c) are proportionate to any risks/problems identified;
- (d) directly relate to any harms being addressed;

- (e) are consistent in the circumstances;
- (f) are capable of being complied with by the relevant licence holder; and
- (g) do not unjustifiably duplicate the requirements of other legislation.

**13.8. Where a non-standard condition is to be added to a relevant authorisation, the licensing authority will, where it is entitled to do so, normally seek to -**

- (a) consider whether alternative means are available to address the risks/problems identified; and
- (b) give reasons for imposing the conditions/restrictions where appropriate.

13.9. The licensing authority will, where entitled to do so, normally impose conditions that are clear, unambiguous, coherent and enforceable.

**13.10. Avoidance of conflicting conditions**

13.11. So far as is reasonably practicable, the licensing authority will ensure, where it is entitled to do so, that no conditions are imposed on relevant authorisations that conflict with any other conditions.

**13.12. Duplication with other statutory provisions**

13.13. The licensing authority expects holders of relevant authorisations, their premises and business activities to comply with all other relevant legislative requirements (e.g. Health and Safety at Work etc Act 1974). The licensing authority will therefore, normally avoid the imposition of conditions that duplicate other regulatory requirements, unless -

- (a) other legislation does not adequately or specifically address the issues concerned; or
- (b) other legislation does not cover the unique circumstances that arise in connection with the particular activities and/or specific premises concerned; or
- (c) it is appropriate in the circumstances to take steps to promote the licensing objectives.

### **13.14. Enforcement of conditions and rights of appeal**

13.15. Failure to comply with any condition attached to a relevant authorisation can be both a criminal offence and/or provide reasonable cause to suspend, revoke or refuse to renew relevant licences. As such, all parties will be informed of any statutory rights of appeal against the imposition of conditions, where provision has been made to do so.

### **13.16. Standard conditions for hackney carriage drivers**

(a) You must ensure that one of your badges is worn on the upper half of the body and is clearly visible to the public at all times. The second issued badge must be displayed on the dashboard of the vehicle in the docu-dash provided

(b) If a member of the public asks for your licence details, you must give them your name and badge number.

(c) You must, so far as is reasonably practicable, ensure safety of and provide reasonable assistance to your passengers at all times, especially when entering and exiting the vehicle.

(d) You must provide reasonable assistance to passenger(s) loading/unloading luggage and personal belongings from the vehicle.

(e) You must not carry more passengers than stated on the vehicle plate and licence.

(f) During a hiring, you may only carry fare-paying passengers (including luggage and personal property); trainee-driver's (who have been suitably authorised by South Somerset District Council); and guide/assistance dogs (which must be carried free of charge).

(g) You must ensure that any certificates exempting you from the carriage of assistance dogs or the handling of heavy loads / wheelchairs / luggage etc are clearly displayed in the vehicle and where appropriate, made available to passengers on request.

(h) You must not refuse a fare without reasonable excuse.

(i) You must be dressed in an appropriate, clean, presentable and safe manner at all times.

(j) You must act in a polite, civil and orderly manner at all times.

(k) Where reasonably practicable, you must attend bookings in a prompt and punctual manner.

(l) You must check the vehicle regularly for personal belongings left behind by passengers and, where appropriate, return them immediately to the owner or to the local police station.

(m) Where the fare is calculated by taximeter, you must ensure the journey is completed via the most direct/shortest route possible, with no prolongation, unless directed by or otherwise agreed with the passenger.

(n) You must not ply for hire by approaching and/or calling out to prospective customers, nor allow anyone to do this on your behalf.

(o) You must provide a suitable receipt to passengers on request.

(p) You must ensure that all seat belts fitted for the use of the passengers in the vehicle are in working order, available and accessible to passengers at all times.

(q) You must ensure that the official current tariff chart issued by South Somerset District Council is available is clearly visible to passengers at all times.

(r) Where engaged, you must ensure that you do not start the taximeter until the commencement of the hiring of the vehicle.

(s) You must ensure that any passenger carried in a wheelchair is secured by the use of appropriate anchorages.

(t) You must obtain permission of the vehicle proprietor before driving any licensed hackney carriage vehicle or otherwise allowing someone else to do so.

(u) You must maintain a suitable policy of public liability insurance that adequately covers any damage, loss or injury to any third party (e.g. customers and other members of the public) or property that may arise during the course of your day to day taxi activities, to a minimum of £5million.

(v) You must notify the Licensing Authority immediately if you are subject to arrest, conviction, charge, caution, driving endorsement/disqualification or know of any cases pending against you (whether in the UK or abroad).

(w) You must notify the Licensing Authority immediately if there is a change in your medical circumstances that may affect your fitness or ability to drive or carry out the duties of a hackney carriage driver (including carriage of assistance dogs, the handling of heavy loads, wheelchair passengers, luggage etc).

(x) You must notify the Licensing Authority of any change to your personal details including name, address and/or telephone number as soon as is reasonably practicable.

(y) You must notify the Licensing Authority of any changes to the company that you receive bookings from, as soon as is reasonably practicable.

(z) You must notify the Licensing Authority as soon as is reasonably practicable, and in any case within 72 hours, of any accident, causing damage to the vehicle that affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers.

(aa) You must familiarise yourself with the law, conditions and other requirements applicable to the licensed vehicles you drive.

### **13.17. Standard conditions for private hire drivers**

(a) You must ensure that one of your badges is worn on the upper half of the body and is clearly visible to the public at all times. The second issued badge must be displayed on the dashboard of the vehicle in the docudash provided

(b) If a member of the public asks for your licence details, you must give them your name and badge number.

(c) You must, so far as is reasonably practicable, ensure safety of and provide reasonable assistance to your passengers at all times, especially when entering and exiting the vehicle.

(d) You must provide reasonable assistance to passenger(s) loading/unloading luggage and personal belongings from the vehicle.

(e) You must not carry more passengers than stated on the vehicle plate and licence.

(f) During a hiring, you may only carry fare-paying passengers (including luggage and personal property); trainee-driver's (who have been suitably authorised by South Somerset District Council); and guide/assistance dogs (which must be carried free of charge).

(g) You must ensure that any certificates exempting you from the carriage of assistance dogs, the handling of heavy loads / wheelchairs / luggage etc are clearly displayed in the vehicle and where appropriate, made available to passengers on request.

(h) You must be dressed in an appropriate, clean, presentable and safe manner at all times.

- (i) You must act in a polite, civil and orderly manner at all times.
- (j) Where reasonably practicable, you must attend bookings in a prompt and punctual manner.
- (k) You must check the vehicle regularly for personal belongings left behind by passengers and, where appropriate, return them immediately to the owner or to the local police station.
- (l) Where the fare is calculated by taximeter, you must ensure the journey is completed via the most direct/shortest route possible, with no prolongation, unless directed by or otherwise agreed with the passenger.
- (m) You must not ply for hire nor allow anyone to do this on your behalf.
- (n) You must provide a suitable receipt to passengers on request.
- (o) You must ensure that all seat belts fitted for the use of the passengers in the vehicle are in working order, available and accessible to passengers at all times.
- (p) Where the vehicle is fitted with a taximeter and where engaged, you must ensure that you do not start the taximeter until the commencement of the hiring of the vehicle.
- (q) You must ensure that any passenger carried in a wheelchair is secured by the use of appropriate anchorages.
- (r) You must obtain permission of the vehicle proprietor before driving any licensed private hire vehicle or otherwise allowing someone else to do so.
- (s) You must only carry out bookings taken by a private hire operator licensed by South Somerset District Council.
- (t) You must maintain a suitable policy of public liability insurance that adequately covers any damage, loss or injury to any third party (e.g. customers and other members of the public) or property that may arise during the course of your day to day private hire activities, to a minimum of £5million.
- (u) You must notify the Licensing Authority immediately if you are subject to arrest, conviction, charge, caution, driving endorsement/disqualification or know of any cases pending against you (whether in the UK or abroad).

- (v) You must notify the Licensing Authority immediately if there is a change in your medical circumstances that may affect your fitness or ability to drive or carry out the duties of a private hire driver (including carriage of assistance dogs, the handling of heavy loads, wheelchair passengers, luggage etc).
- (w) You must notify the Licensing Authority of any change to your personal details including name, address and/or telephone number as soon as is reasonably practicable.
- (x) You must notify the Licensing Authority of any changes to the licensed private hire operator that you are receiving bookings from, as soon as is reasonably practicable.
- (y) You must notify the Licensing Authority as soon as is reasonably practicable, and in any case within 72 hours, of any accident, causing damage to the vehicle that affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers.
- (z) You must familiarise yourself with the law, conditions and other requirements applicable to the licensed vehicles you drive.

### **13.18. Standard conditions for hackney carriage vehicles**

- (a) You must ensure that the vehicle, including fittings and equipment, is well maintained, in good working order and kept clean at all times.
- (b) You must submit a new and suitable MOT test certificate (or notify the licensing authority of the relevant MOT test number) for an MOT test on the vehicle that is undertaken and dated between the dates specified below:
  - (i) Between [DATE] and [DATE]
  - (ii) Between [DATE] and [DATE]
- (c) You must ensure that wheelchair anchorages and ramps are kept in the vehicle and are maintained in good working order at all times.
- (d) You must ensure no more passengers than the number displayed on the licence plate are carried in the vehicle at any one time.

- (e) You must ensure that any material which is required by law, or on condition of your licence does not obscure visibility through any window, mirror, or the bulkhead.
- (f) You must ensure that no advertising, or any other material is displayed on any window, mirror or bulkhead, other than that which is required by law or on condition of licence.
- (g) Nothing shall be displayed on or in the vehicle advertising tobacco products, alcohol, contraceptives, sex shops, sex articles or sex-related products or services, gambling activities including betting, gaming and amusements (with or without prizes) or otherwise contain nudity. Furthermore no advertisement shall be displayed in relation to race, religion or anything that may reasonably be considered to be offensive. All advertising shall comply with the relevant code of advertising standards as issued by Advertising Standards Authority.
- (h) You must ensure that the licence plate is securely fixed to the rear of the vehicle, clearly visible, and maintained in good condition at all times.
- (i) You must ensure that at all times the interior licence plate is clearly visible to all passengers travelling in the vehicle.
- (j) You must ensure that a “TAXI” rooflight is fitted to the vehicle. The rooflight must be illuminated when available for hire and turned off when not available for hire and when travelling outside the district of South Somerset.
- (k) You must ensure that the vehicle is securely fitted with a suitable taximeter in a position that is clearly visible to passengers at all times. The taximeter must comply with the extant Measuring Instruments Directive.
- (l) You must ensure that the taximeter is programmed in accordance with the current scheme of fares set by South Somerset District Council.
- (m) Taximeter settings shall only be accessed, adjusted and/or (re)calibrated by an accredited taximeter agent.
- (n) You must ensure that the official current tariff chart issued by South Somerset District Council is available is clearly visible to passengers at all times.
- (o) You must ensure that the vehicle is only driven by hackney carriage drivers licensed by South Somerset District Council at any time. This includes when the vehicle is not being used as a taxi.

- (p) You must ensure that the vehicle complies with the council's vehicle specification at all times and is maintained in accordance with the vehicle type approval.
- (q) You must notify the Licensing Authority as soon as is reasonably practicable, and in any case within 72 hours, of any accident, causing damage to the vehicle that affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers.
- (r) You must keep a copy of the paper part of the hackney carriage driver's licence of any driver you permit or employ to drive the vehicle.
- (s) You must ensure that a suitable certificate of insurance is provided to the Licensing Authority for each driver of your vehicle and ensure that it is suitably maintained.
- (t) You must keep a written record of the dates and times that each driver is using your vehicle. This information must be provided to the Licensing Authority or police on request.
- (u) You must ensure that the Licensing Authority is notified of any changes to those driving your vehicle prior to them taking effect.
- (v) You must notify the Licensing Authority of any change of details of any person with a financial interest in the vehicle and ensure the vehicle licence is suitably updated as soon as is reasonably practicable.
- (w) You must notify the Licensing Authority of any change to your personal details including name, address and/or telephone number and ensure the vehicle licence is suitably updated as soon as is reasonably practicable.
- (x) The transfer of the vehicle to a new proprietor must be notified to the Licensing Authority in the prescribed form within 14 days.
- (y) You must ensure that all licence documents for the vehicle are maintained and up-to-date at all times.
- (z) You must notify the Licensing Authority if you no longer wish to hold the vehicle licence and you must, as soon as is reasonably practicable, ensure the internal and external licence plates are returned to South Somerset District Council or their agents.
- (aa) You must make all named drivers of the vehicle aware of the conditions of this licence by a mechanism in writing.

### **13.19. Standard conditions for private hire vehicles**

- (a) You must ensure that the vehicle, including fittings and equipment, is well maintained, in good working order and kept clean at all times.
- (b) You must submit a new a suitable MOT test certificate (or notify the licensing authority of the relevant MOT test number) for an MOT test on the vehicle that is undertaken and dated between the dates specified below:
  - (i) Between [DATE] and [DATE]
  - (ii) Between [DATE] and [DATE]
- (c) You must ensure no more passengers than the number displayed on the licence plate are carried in the vehicle at any one time.
- (d) You must ensure that (where appropriate) wheelchair anchorages and ramps are kept in the vehicle and are maintained in good working order at all times, unless subject to our written exemption.
- (e) You must ensure that the licence plate is securely fixed to the rear of the vehicle, clearly visible, and maintained in good condition at all times.
- (f) You must ensure that at all times the interior licence plate is clearly visible to all passengers travelling in the vehicle.
- (g) You must ensure that the prescribed sign of specified design, size and shape stating 'pre-booked only' is displayed on an external door panel on each side of the vehicle.
- (h) You must ensure that no rooflight (or similar) is fitted to the vehicle.
- (i) You must ensure that no advertising is displayed on or within the vehicle.
- (j) You must ensure that the vehicle is only driven by private hire drivers licensed by South Somerset District Council at any time. This includes when the vehicle is not being used for hire and reward purposes.

(k) You must ensure that this vehicle is used only for bookings taken by a private hire operator licensed by South Somerset District Council.

(l) You must ensure that the vehicle complies with the council's vehicle specification at all times and is maintained in accordance with the vehicle type approval.

(m) You must notify the Licensing Authority as soon as is reasonably practicable, and in any case within 72 hours, of any accident, causing damage to the vehicle that affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers.

(n) You must keep a copy of the paper part of the private hire driver's licence of any driver you permit or employ to drive the vehicle.

(o) You must ensure that a suitable certificate of insurance is provided to the Licensing Authority for each driver of your vehicle and ensure that it is suitably maintained.

(p) You must ensure that the Licensing Authority is notified of any changes to those driving your vehicle prior to them taking effect.

(q) You must keep a written record of the dates and times that each driver is using your vehicle. This information must be provided to the Licensing Authority or police on request.

(r) You must notify the Licensing Authority of any change of details of any person with a financial interest in the vehicle and ensure the vehicle licence is suitably updated as soon as is reasonably practicable.

(s) You must notify the Licensing Authority of any change to your personal details including name, address and/or telephone number and ensure the vehicle licence is suitably updated as soon as is reasonably practicable.

(t) The transfer of the vehicle to a new proprietor must be notified to the Licensing Authority in the prescribed form within 14 days.

(u) You must ensure that all licence documents for the vehicle, are maintained and up-to-date at all times.

(v) You must notify the Licensing Authority if you no longer wish to hold the vehicle licence and you must, as soon as is reasonably practicable, ensure the internal, external and side plates (where appropriate) are returned to South Somerset District Council.

(w) You must make all named drivers of the vehicle aware of the conditions of this licence by a mechanism in writing.

### **13.20. Standard conditions for private hire operators**

- (a) All bookings must be carried out by a vehicle and driver that are licensed by South Somerset District Council.
- (b) Bookings may only be sub-contracted between operators licensed by South Somerset District Council.
- (c) You must retain a copy of the private hire vehicle licence of any vehicles operated by you.
- (d) You must keep a copy of the paper part of the private hire driver's licence of any driver you permit or employ to drive for you.
- (e) You must ensure that no person employed by you shall solicit, call out, or do anything else, which may lead anyone to believe that any licensed private hire vehicle is a licensed hackney carriage.
- (f) You shall not allow any private hire vehicle operated by you to stand or ply for hire.
- (g) Before any hiring commences, you must record and keep the following records which collectively are uniquely and consecutively numbered; namely -
  - (i) the name of the hirer (i.e. the customer);
  - (ii) the pick-up point;
  - (iii) the destination;
  - (iv) the date and time the private hire vehicle is required;
  - (v) the date and time that the booking was made;
  - (vi) the fare quoted for the journey;
  - (vii) whether the booking is a sub-contracted booking from another operator and/or is to be sub-contracted to another operator;
  - (viii) the name and address of any operator to which the booking may be sub-contracted;

(ix) how the booking was made (e.g. telephone, on-line etc);

(x) the name of the licensed driver undertaking the hiring and the Council licence plate number of the vehicle used;

(xi) the name of the person making the record.

(h) You must provide access to the licensed premises at any reasonable time and produce for inspection any relevant records to the licensing authority or police on request.

(i) As soon as is reasonably practicable, you must notify the Licensing Authority of any change –

(i) in company personnel (including company secretary, directors and/or partners in the business or similar);

(ii) to the garaging arrangements of vehicles;

(iii) to the vehicles you are operating;

(iv) to the drivers carrying out bookings taken by you; and

(v) to the personal details of any company personnel including name, address and/or telephone number.

(j) You must notify the Licensing Authority immediately if you or any company personnel (including company secretary, directors and/or partners in the business or similar) are subject to arrest, conviction, charge, caution, driving endorsement/disqualification or know of any cases pending against you (whether in the UK or abroad).

## APPENDIX F

### 14. VEHICLE PLATES & BADGES

#### 14.1 HACKNEY CARRIAGE PLATES .

14.2 For clarity and ease of recognition, all licensed hackney carriage vehicles must display on the exterior, at the rear of the vehicle, a licence plate of the design detailed below.



14.3. For clarity and ease of recognition, all licensed hackney carriage vehicles must display into the passenger compartment, an interior licence plate of the design detailed below



#### 14.4. PRIVATE HIRE VEHICLE PLATES

14.5. For clarity and ease of recognition, all licensed private hire vehicles must, unless otherwise exempt, display on the exterior, at the rear of the vehicle, a licence plate of the design detailed below.



14.6. For clarity and ease of recognition, all licensed private hire vehicles must display into the passenger compartment, an interior licence plate of the size, shape and design detailed below.



## **APPENDIX G**

### **15. PENALTY POINTS SCHEME**

1. The details of how the scheme will be operated are as follows:
  - 1.1 The Licensing Authority’s Taxi Licensing and Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
  - 1.2 Where it is decided that the use of the Penalty Points Scheme is appropriate, the points will be issued in accordance with this appendix.
  - 1.3 The imposition of penalty points against a driver who is an employee will not necessarily result in the additional imposition of points to his/her employer or operator. However the Licensing Authority will issue penalty points to drivers, proprietors, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.
  - 1.4 Points issued to a proprietor, operator or driver will be confirmed in writing within three weeks of the completion of enquiries into the contravention or upon discovery of breach.
  - 1.5 When issued, the penalty points will remain “live” for a period of one year from the date they are imposed so that only points accumulated in a rolling 12 months period will be taken into account.
  - 1.6 There is no financial penalty associated with the Penalty Point Scheme, and the licensee may continue to work. However, the licensee may be asked to appear before the Licensing Committee where 12 or more penalty points are imposed on an individual licence in any one 12 month rolling period, where appropriate action will be taken in accordance with this policy.
  - 1.7 Where a driver, proprietor or operator attains 12 penalty points, disciplinary options available to the Licensing Authority will include suspension or revocation of the driver’s licence.
  - 1.8 If it is felt that the matter does not warrant suspension or revocation of the licence, a written warning may be issued to the driver as to his future conduct.
  - 1.9 Periods of suspension of a licence will be dependent on the nature of the breach of legislation or the requirements of this Policy and the compliance history of the licence holder.

- 1.10 A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he deems necessary.
- 1.11 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. In most cases a suspension will be subject to a 21 day appeal period starting on the date of the suspension notice to allow for the formal appeal process. There might be occasions where immediate suspension is required e.g. danger to the public.
- 1.12 The Penalty Points Scheme will operate without prejudice to Licensing Authority's ability to take other action under appropriate legislation or as provided for by this policy.
- 1.13 The Penalty Points Scheme outlined below identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven.

## **2. Penalty Points Tariff**

### **2.1 Legislative offences and penalties:**

Two statutes principally create offences relating to hackney carriages and private hire vehicles –

- i) Town Police Clauses Act 1847
- ii) Local Government (Miscellaneous Provisions) Act 1976

### **2.2 The offences are set out below under the relevant statute:**

Any subsequent amendments to the legislation will supersede the tables below and this appendix may be amended to reflect the revised legislation by way of an addendum to this policy.

<b>TOWN AND POLICE CLAUSES ACT 1847</b>						
<b>List No.</b>	<b>Section</b>	<b>Offence</b>	<b>Max Penalty Points</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Driver</b>
1.	40	Giving false information on a hackney carriage licence application.	12		✓	✓
2.	44	Failure to notify change of address on a hackney carriage licence.	3		✓	✓
3.	45	Plying for hire without a hackney carriage licence.	prosecute	-	-	-
4.	47	Driving a hackney carriage without a hackney carriage driver's licence.	prosecute	-	-	-
5.	47	Lending or parting with a hackney carriage driver's licence.	12			✓
6.	47	Hackney carriage proprietor permitting or employing an unlicensed driver to drive a hackney carriage vehicle.	12 or prosecute		✓	✓
7.	48	Failure of a proprietor to retain in his/her possession copies of any hackney carriage driver's licence that permits them to drive their vehicle.	3		✓	
8.	48	Failure of a proprietor to produce on request by an authorised officer any hackney carriage driver's licence for whom he has permitted to drive his/her vehicle.	3		✓	
9.	52	Failure to display a hackney carriage plate.	6			✓
10.	53	Refusal to take a fare without a reasonable excuse.	8			✓
11.	54	Charging more than the agreed fare.	8			✓
12.	55	Obtaining more than the legal fare (including failure to refund).	8			✓
13.	56	Travelling less than the lawful distance for an agreed fare.	6			✓
14.	57	Failure to wait after a deposit to wait has been paid.	12			✓

15.	58	Charging more than the legal fare.	8			✓
16.	59	Carrying persons other than with the consent of the hirer.	6			✓
17.	60	Driving a hackney carriage without the proprietor's consent.	12			✓
18.	60	Allowing a person to drive a hackney carriage without the proprietor's consent.	12			✓
19.	62	Driver leaving a hackney carriage unattended on a rank	6			✓
20.	64	Hackney carriage driver obstructing other hackney carriages.	3			✓

<b>Local Government (Miscellaneous Provisions) Act 1976</b>						
<b>List No.</b>	<b>Section</b>	<b>Offence</b>	<b>Max Penalty Points</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Driver</b>
21.	46 (1)(A)	A licensed driver using an unlicensed vehicle for private hire purposes.	12			✓
22.	46 (1)(b)	Driving a private hire vehicle without a private hire driver's licence.	prosecute	-	-	-
23.	46 (1)(c)	Proprietor of a private hire vehicle permitting or employing an unlicensed driver to drive a private hire vehicle.	8		✓	
24.	46 (1)(d)	Operating a private hire vehicle without a private hire operators' licence.	prosecute	-	-	-
25.	46 (1)(e)	Operating an unlicensed vehicle as a private hire vehicle.	12	✓	✓	✓
26.	46 (1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver.	12	✓	✓	✓
27.	48 (6)	Failure to display a private hire vehicle plate.	6		✓	✓
28.	49	Failure to notify the transfer of a vehicle licence.	3		✓	
29.	50 (1)	Failure to present a hackney carriage or private	6		✓	

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		hire vehicle for inspection upon request.				
30.	50 (2)	Failure to inform the Licensing Authority where a hackney carriage or private hire vehicle is stored, if requested.	3		✓	
31.	50 (3)	Failure to report an accident to the Licensing Authority within seventy two hours.	6		✓	✓
32.	50 (4)	Failure to produce the vehicle and/or insurance upon request.	6		✓	✓
33.	53 (3)	Failure to produce a driver's licence upon request.	6			✓
34.	54 (2)	Failure to wear a private hire driver's badge.	6			✓
35.	56 (2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Licensing Authority or a police officer within reasonable time / or time specified.	6	✓		
36.	56 (3)	Failure of a private hire operator to keep proper records of all private hire vehicle licenses and driver licenses, or failure to produce them on request of an authorised officer of the Licensing Authority or a police officer within reasonable time / or time specified.	6	✓		
37.	56 (4)	Failure of a private hire operator to produce his licence upon request.	4	✓		
38.	57	Making a false statement or withholding information to obtain a hackney carriage private hire driver's licence.	12	✓	✓	✓
39.	58 (2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence.	12		✓	
40.	61 (2)	Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew.	prosecute	-	-	-
41.	64	Permitting a private hire vehicle to wait on a hackney carriage rank.	6			✓

42.	66	Hackney Carriage charging more than the meter fare for a journey ending outside the District, without prior agreement.	8			✓
43.	67	Hackney Carriage charging more than the meter fare when a hackney carriage is used as a private hire vehicle.	8			✓
44.	69	Unnecessarily prolonging a journey.	8			✓
45.	71	Interfering with a private hire taxi-meter with intent to mislead.	12		✓	✓
46.	73 (1)(a)	Obstruction of an authorised officer of the Licensing Authority or a police officer.	12	✓	✓	✓
47.	73 (1)(b)	Failure to comply with a requirement of an authorised officer of the Licensing Authority or a police officer.	12	✓	✓	✓
48.	73 (1)(c)	Failure to give information or assistance to an authorised officer of the Licensing Authority or police officer.	12	✓	✓	✓

<b>LICENSING AUTHORITY POLICY</b>						
<b>List No.</b>	<b>Section</b>	<b>Offence</b>	<b>Max Penalty Points</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Driver</b>
49.	N/A	Failure to adhere to the Code of Good Conduct for Licensed Drivers where not mentioned below.	6			✓
50.	N/A	Failure to ensure the safety of passengers.	12	✓	✓	✓
51.	N/A	Concealing or defacing a vehicle licence plate.	6	✓	✓	✓
52.	N/A	Failure to attend on time for a pre-arranged Appointment at the request of the Licensing Authority for interview without reasonable cause.	6	✓	✓	✓
53.	N/A	Conveying a greater number of passengers than permitted.	12			✓
54.	N/A	Failure to give reasonable assistance with passenger's luggage.	3			✓

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55.	N/A	Private hire soliciting for hire or accepting a fare that is not pre-booked.	6			✓
56.	N/A	Operating/using a vehicle that is not clean and tidy internally or externally.	3		✓	✓
57.	N/A	Operating/using a vehicle that is not in a safe condition internally or externally.	12		✓	✓
58.	N/A	Driving without the consent of the proprietor.	12			✓
59.	N/A	Drinking or eating in the vehicle whilst carrying passengers.	3			✓
60.	N/A	Smoking in the vehicle at any time.	4			✓
61.	N/A	Causing excessive noise from any radio or sound-reproducing equipment.	2			✓
62.	N/A	Sounding the horn to signal that the vehicle has arrived. disturbing residents	2			✓
63.	N/A	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand.	6			✓
64.	N/A	Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that is plying for hire.	6			✓
65.	N/A	Using a non-hands free mobile telephone whilst driving.	12			✓
66.	N/A	Failure to advise of a relevant medical condition.	12			✓
67.	N/A	Failure to provide a receipt for a fare when requested.	3			✓
68.	N/A	Failure to operate the meter from the commencement of the journey and /or charging more than the fixed charge for hire of a hackney carriage.	8			✓
69.	N/A	Failure to notify the Licensing Authority of relevant change to licence details within the time specified in the associated licence conditions.	3	✓	✓	✓
70.	N/A	Failure to produce a hackney carriage or private	3	✓	✓	✓

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		hire licence upon request.				
71.	N/A	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment.	2			✓
72.	N/A	Failure of a private hire operator to request and keep a copy all driver's licence in his employ at the beginning of employment.	2	✓		
73.	N/A	Failure of a licence holder to disclose convictions within seven days of conviction.	12	✓	✓	✓
74.	N/A	Carrying any animal other than a guide, hearing or other prescribed assistance dog or those owned by bone-fide fare paying passengers.	6			✓
75.	N/A	Failure to search a vehicle after a journey or failure to take found property to the police within forty eight hours of finding.	6			✓
76.	N/A	Failure to report an accident within seventy two hours.	6			✓
77.	N/A	Failure to comply with requirements for the safe carrying of a wheelchair	6		✓	✓
78.	N/A	Operating a vehicle that does not comply with the Licensing Authority's licensing policy or relevant legislation where such a breach of policy/legislation is not otherwise specified herein.	12		✓	✓
79.	N/A	A Private Hire driver using a Hackney Carriage vehicle without a Hackney Carriage driver licence.	12			✓
80.	N/A	Failure to carry an approved fire extinguisher.	3		✓	✓
81.	N/A	Failure to carry a first aid kit for personal use that has been approved by the Licensing Authority.	3		✓	✓
82.	N/A	Modifying a licensed vehicle without the consent of the Licensing Authority.	12		✓	✓
83.	N/A	Failure to display or maintain external plates as issued by the Licensing Authority or displaying them incorrectly e.g. in the window of a vehicle.	6		✓	✓
84.	N/A	Affixing or displaying a roof sign on a private hire	4		✓	✓

		vehicle.				
85.	N/A	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Licensing Authority.	4		✓	✓
86.	N/A	Using a taxi-meter that does not conform to Licensing Authority requirements.	6	✓	✓	✓
87.	N/A	Driving with no insurance or inadequate insurance for the vehicle.	12		✓	✓
88.	N/A	Permitting the vehicle to be used for any illegal or immoral purposes.	12	✓	✓	✓
89.	N/A	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times.	3	✓		
90.	N/A	Failure of a private hire operator to keep the operating premises in accordance with Licensing Authority requirements.	3	✓		
91.	N/A	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured.	12	✓		
92.	N/A	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access.	6	✓		

Where a breach is proven that is a combination of any of the above offences, the option to allocate points for **each** of the offences can be utilised by any authorised licensing officer

### Code Of Good Conduct For Licensed Drivers

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

### Responsibility To The Trade

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

- complying with this Code of Good Conduct
- complying with all the conditions of their licence and the Councils Hackney Carriage and Private Hire Licensing Policy
- behaving in a professional manner at all times

### **Responsibility To Client**

Licence holders shall

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

### **Responsibility To Residents**

To avoid nuisance or disturbance to residents when picking up or waiting for a fare, or waiting to be allocated a booking, a driver shall;

- not sound the vehicle's horn;
- keep the volume of radio/cassette/cd player and VHF/digital radios low;
- switch off the engine if required to wait;
- take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood;
- not deposit any litter;
- not urinate in the street.

At Hackney Carriage ranks, drivers shall, in addition to the requirements above:

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- rank in an orderly manner and proceed along the rank in order and promptly;
- remain in the vehicle.

At Private Hire Offices a licence holder shall;

- not allow their radio/cassette/cd players or VHF/digital radios to cause disturbance to residents of the neighbourhood;
- take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

### **General**

Drivers shall:

- pay attention to personal hygiene and dress in accordance with the Dress Code;
- be polite, helpful and respectful to passengers;
- drive with care and due consideration for other road users and pedestrians;
- obey all Traffic Regulation Orders and directions at all times;
- ensure that they do not smell of alcohol or consume alcohol at any time whilst driving or being in charge of a Hackney Carriage or Private Hire vehicle;
- not drive while having misused legal or illegal drugs;
- behave in a civil and orderly manner at all times;
- when requested by the Council attend a medical practitioner and/or submit to any drugs tests deemed appropriate.

### **Please Note:**

Any amount of Alcohol or Drugs can affect a driver's judgment. 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.

## **Drivers Dress Code**

The purpose of a Driver's Dress code is to seek a standard of dress that provides a positive image of the Hackney Carriage and Private Hire Trade in South Somerset, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

### **Acceptable Standards Of Dress**

#### **Tops**

- Shirts, Blouses, T-Shirts or Sweat Tops should cover the shoulders and be capable of being worn inside trousers or shorts
- Shirts or Blouses may be worn with a tie or open necked

#### **Footwear**

- Footwear for all drivers shall fit around the heel of the foot

### **Unacceptable Standard Of Dress**

The following are deemed unacceptable:

- Clothing not kept in a clean condition, free from holes and rips
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- Sportswear (e.g. football/rugby kits, track suits, beach wear etc)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- Drivers not having either the top or bottom half of their bodies suitably clothed (see above)