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Monday, 27 November 2023

To All Councillors:

As a Member of the **Licensing & Appeals Committee**, please treat this as your summons to attend a meeting on **Tuesday, 5 December 2023 at 6.00 pm** in the **Council Chamber, Town Hall, Bank Road Matlock DE4 3NN**

Yours sincerely,

Paul Wilson
Chief Executive

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AGENDA

1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 751133 or email committee@derbyshiredales.gov.uk of any apologies of absence.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 3 - 6)

27 June 2023

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council’s Code of Conduct. Those interests are matters that relate to money or that which can be valued in money,

affecting the Member, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at the time.

4. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by email) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING**. As per Procedural Rule 14.4 at any one meeting no person may submit more than 3 questions and no more than 1 such question may be asked on behalf of one organisation.

5. LICENSING ACT 2003 AND GAMBLING ACT 2005 - ANNUAL REPORT (Pages 7 - 14)

This report provides a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Team during the last financial year, and the previous two financial-year periods, to allow comparisons to be made.

The Committee is provided with details of compliance and enforcement work carried out in partnership with other statutory authorities, which contributes to the Licensing Service Plan Actions.

6. REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY 2023 - PROGRESS REPORT (Pages 15 - 104)

To provide the Committee with an update on the review of the Council's Taxi and Private Hire Licensing Policy.

The Committee are informed of some additions/changes/recommendations to the draft policy document for consideration. These were received following the consultation exercise carried out since the last meeting.

The report seeks the Committee's approval of a final draft taxi and private hire licensing policy document for consideration for adoption at the January 2024 meeting of the full Council.

Members of the Committee - Councillors Steve Wain (Chair), Dawn Greatorex (Vice-Chair), Anthony Bates, John Bointon, Geoff Bond, Neil Buttle, Peter Dobbs, Steve Flitter, Marilyn Franks, Susan Hobson, Joanne Linthwaite, Laura Mellstrom, Lucy Peacock, Peter Slack and Mark Wakeman

NOTE

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committee@derbyshiredales.gov.uk

Licensing & Appeals Committee

Minutes of a Licensing & Appeals Committee meeting held at 6.00 pm on Tuesday, 27th June, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Dawn Greatorex - In the Chair

Councillors: Anthony Bates, John Bointon, Geoff Bond, Neil Buttle, Peter Dobbs, Steve Flitter, Marilyn Franks, Susan Hobson, Laura Mellstrom, Lucy Peacock, Peter Slack and Mark Wakeman

Tim Braund (Director of Regulatory Services), Eileen Tierney (Licensing Manager), Kerry France (Legal Services Manager) and Tommy Shaw (Democratic Services Team Leader)

Note:

“Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council’s Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document.”

APOLOGIES

Apologies for absence were received from Councillor(s): Joanne Linthwaite and Steve Wain

28/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Neil Buttle, seconded by Councillor Mark Wakeman and

RESOLVED

That the minutes of the meeting of the Licensing and Appeals Committee held on 17 January 2023 be approved as a correct record.

Voting

05 For

00 Against

08 Abstentions

The Chair declared the motion **CARRIED**.

29/23 - INTERESTS

There were no declarations of interest.

30/23 - PUBLIC PARTICIPATION

There was no public participation.

31/23 - TEMPORARY PAVEMENT LICENSING REGIME - UPDATE

The Licensing Manager provided an update regarding the temporary pavement licensing regime introduced in 2020. The report considered the proposals contained in the Levelling Up and Regeneration Bill 2022, to provide an extension of the current licensing provisions beyond 30 September 2024.

It was moved by Councillor Peter Slack, seconded by Councillor Neil Buttle and

RESOLVED (unanimously)

1. That the report be noted, and the extension to the temporary pavement licence regime be implemented, with applications for pavement licences to expire on or before 30 September 2024 being invited from food and drink businesses, (subject to enabling legislation being introduced).
2. That the viability of a band structure of fees for temporary pavement licensing be investigated for possible implementation to alleviate the cost pressures on small businesses within the district.

The Chair declared the motion **CARRIED**.

32/23 - REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY 2023 - PROGRESS REPORT

The Licensing Manager provided the Committee with an update on the review of the Council's Taxi and Private Hire Licensing Policy, informing members of additional changes made to the consultation document approved at the January 2023 meeting of the Committee.

It was moved by Councillor Steve Flitter, seconded by Councillor Mark Wakeman and

RESOLVED (Unanimously)

1. That the Committee agree the amendments made to the Draft Taxi and Private Hire Licensing Policy consultation document. (Original draft policy document approved at the January 2023 meeting).
2. That the Committee agree the revised dates of the 8-week consultation exercise as 1st July to 31st August 2023.

3. That the results of the consultation exercise are reported to the October 2023 meeting of this Committee for further consideration and to agree a Final Draft Taxi and Private Hire Licensing Policy for referral to the full Council, seeking approval to adopt and republish by 1st January 2024.
4. That further amendments to the draft Taxi and Private Hire Licensing Policy be identified which aim to incentivise the use of electric and hybrid vehicles to address air quality concerns within the district.

The Chair declared the motion **CARRIED**.

Meeting Closed: 6.53 pm

Chairman

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Agenda Item 5

**OPEN
LICENSING AND APPEALS COMMITTEE**

Licensing and Appeals Committee – 5 December 2023

LICENSING ACT 2003 AND GAMBLING ACT 2005 - ANNUAL UPDATE

Report of Director of Regulatory Services

Report Author and Contact Details

Eileen Tierney, Licensing Manager

01629 761374 or eileen.tierney@derbyshiredales.gov.uk

Wards Affected

District Wide

Report Summary

This report provides a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Team during the last financial year, and the previous two financial-year periods, to allow comparisons to be made.

The Committee is provided with details of compliance and enforcement work carried out in partnership with other statutory authorities, which contributes to the Licensing Service Plan Actions.

Recommendations

- 1) That the Licensing Team continues to work with other Responsible Authorities, where possible, when carrying out 20+ licensing awareness or compliance/enforcement visits to premises licensed for alcohol sales, gambling or scrap metal planned visits in the District by 31 March 2024.
- 2) That the Licensing Team continues to contribute to the work of the Community Safety Partnership's VAL (Violence Alcohol and Licensing) Group, and supports initiatives promoted by the Institute of Licensing and the Gambling Commission.

List of Appendices

None.

Background Papers

Licensing Software M3/ASSURE records. (2005 to present day)

Consideration of report by Council or other committee

No.

Council Approval Required

No.

Exempt from Press or Public

No

LICENSING ACT 2003 AND GAMBLING ACT 2005 - ANNUAL UPDATE

1. The Licensing Act 2003 (“the Act”)

- 1.1 The Licensing Act 2003 established a single integrated scheme for licensing premises which are used for the sale or supply of alcohol, and/or to provide regulated entertainment and/or to provide late night refreshment.
- 1.2 Each year the District Council (in its role as the Licensing Authority) maintains in the region of 550 premises licences and club premises certificates; 1,300 personal licences; and on average (each calendar year) acknowledges 500 to 600 temporary event notices (TENs).

All of these authorisations permit one or more of the licensable activities under the provisions of the Licensing Act 2003.

- 1.3 Each year a number of new premises licences are granted and a small number are surrendered, as businesses close down or move premises. New licences are granted and existing licences varied for a number of reasons, which include the start-up of new businesses, a rise in the number of one-off events. eg: small music festivals, micro-breweries, themed/luxury bed and breakfast establishments, community shops in separate areas of existing licensed premises etc.
- 1.4 Whilst in 2020-21 we saw a reduction in the number of new licences being granted and an increase in the number of licences surrendered; due mainly to the Covid Pandemic, the numbers of licences being applied for subsequently have shown a gradual increase.
- 1.5 Annual Progress Reports

The first annual progress report was presented to this Committee in 2007, providing information about the numbers of alcohol, entertainment and late-night refreshment licence applications determined with effect from November 2005. Since 2007 an annual progress report has been submitted for the Committee’s consideration.

- 1.6 The report is usually considered at the first meeting of each new civic year, and although it is being reported to a later meeting this year, the information supplied will only cover the period up until 31 March 2023.
- 1.7 Some entertainment that was regulated back in 2005 no longer needs licensing. For example the Live Music Act 2012 exempted the Licensing Act 2003 requirement for a licence for the provision of facilities for music, dancing, entertainment or anything similar, and amended the need for a licence for live and recorded music, dancing, the performance of plays and the exhibition of films during specific times, namely between the hours of 8am and 11pm; and at particular types of premises; usually in community premises or at those that are already licensed for the sale of alcohol.
- 1.8 This means that some alcohol licensed premises that require licensing for the sale of alcohol can provide some types of regulated entertainment between the hours of 8am and 11pm without the activity being included on the premises licence.

1.9 Licence applications made under the Licensing Act 2003 during the last 4 years:

Application Type	Number of Applications Processed			
	2019/20	2020/21	2021/22	2022/23
New Premises Licences/Club Premises Certificates (CPCs)	15	15	21	19
Transfers of Premises Licences/Club Premises Certificates	39	16	17	19
Variations (full)	8	2	5	6
Minor Variations	9	5	3	5
Variation of (DPS)	89	38	57	56
Removal of DPS Condition	0	0	0	0
New Personal Licences	61	39	35	23
Temporary Event Notices (TENs)	468	64	336	496
LATE Temporary Event Notices	169	27	113	118
Surrendered Premises Licences	8	3	2	9

1.10 Applications for Minor Variation to Premises Licences

In October 2009, the Minor Variation application process was introduced into the Licensing Act 2003. This allowed proprietors/operators to make small changes to their premises licences, as long as the proposed changes would not undermine the licensing objectives specified in the legislation.

Examples of permitted changes under this process include:

- Minor changes to the structure or layout of premises;
- Small adjustments to licensing hours;
- Conditions: removal of out-of-date, irrelevant or unenforceable conditions; or the volunteering of additional/revised conditions;
- Licensable activities: adding certain licensable activities.

1.11 When this procedure was introduced, the Government recommended that the decision making for Minor Variation applications should be delegated to officer level. There is also no provision for hearings to be held to determine these applications. If relevant objections are received the applications are refused.

The Director of Regulatory Services and the Licensing Manager are both delegated to determine applications for Minor Variations.

1.12 The Minor Variation applications determined by Officers under delegated powers between 1st April 2021 and 31st March 2022 and 1st April 2022 and 31st March 2023 were as follows:

2022 – 2023	Premises	Minor Variation
17/03/2023	The Co-Operative Food, Station Road, Darley Dale, Derbyshire, DE4 2EQ.	Change of internal layout.
23/11/2022	Grouse Inn, Dale Road North, Darley Dale, Derbyshire, DE4 2FT.	Update the Premises Plan to reflect changes to internal layout.
26/10/2022	The Co-Operative Food, Market Street, Bakewell, Derbyshire, DE45 1DS.	Variation to incorporate the cafe area and minor changes to the checkout and retail layout as shown in plan no 21-011-w19 dated August 2022.
15/09/2022	Youngs of Youlgrave, Stores And Post Office, Church Street, Youlgrave, Derbyshire, DE45 1UR.	Update the Premises Plan to reflect changes to internal layout.
04/08/2022	Peakender Festival, The Showground, Agricultural Way, Bakewell, Derbyshire.	To alter the wording in respect of the Premises Plan. Plan to be supplied each year with the Event Safety Management Plan.
09/11/2021	The Cavendish Arms, Derby Road, Doveridge, Derbyshire, DE6 5JR.	Remove condition (c) under the Prevention of Children From Harm obj & replace with "Accompanied children to leave the premises by 9.00 or, if after this time, at the conclusion of a seated meal when the bill has been paid.
26/8/2021	George Hotel, Main Road, Hathersage, Derbyshire, S32 1BB.	layout to the ground floor of the premises, drawing number 4558-07-01 Revision C
07/04/2021	The Red Lion, Rutland Square, Bakewell, Derbyshire, DE45 1BT.	To update the premises plan to reflect a change of internal layout.

1.13 Licensing and Appeals Sub-Committee Hearings

During the financial year 2022-2023 one application for a premises licence and one for a Temporary Event Notice (TEN) were referred to the Licensing and Appeals Sub-Committee, following receipt of objections.

The premises licence application sought permission to permit the Rosa Music Festival to take place annually in Middleton-by-Youlgrave in the north of the district. The Licensing and Appeals Sub-Committee granted with additional conditions attached.

The Temporary Event Notice (TEN) was for a music event in a marquee in Bonsall; The Licensing and Appeals Sub-Committee resolved that the Licensing Manager would issue a Counter-Notice, negating the Temporary Event Notice, which meant that the event was not authorised. The Sub-Committee supported the concerns of the Council's Environmental Health Service, as several events had taken place previously at the same location, resulting in noise complaints on more than one occasion.

1.14 Working with Partners

The Licensing Team continues to work closely with the other agencies with responsibility for dealing with applications for licensing eg through the Safer Derbyshire (Community Safety) Partnership VAL Group (**V**iolence, **A**lcohol and **L**icensing).

1.15 As a general rule, throughout the year, visits to licensed premises are carried out jointly, where appropriate, with officers from the Police, Environmental Health, Fire Service and Trading Standards Authorities. Where problems exist or there is the potential for problems, measures to deal with these are agreed by officers and negotiated with the licence holder.

1.16 During 2022-2023 a total of 23 visits were made to alcohol-licensed premises. The visits related mainly to a very small number of alcohol-licensed premises with on-going issues, so some repeat visits were required.

However, some of the visits were also made were to open-air sites across the district due to an increase in the number of site visits needed in respect of local music/food festivals and similar outdoor events, some taking place for the first time.

1.17 The Gambling Act 2005 (“the Act”)

Local licensing authorities have regulatory obligations under the Gambling Act 2005 for licensing gambling premises and issuing permits and permissions.

The Gambling Commission works closely with licensing authorities and other regulatory partners on joint initiatives and provides support through training, advice and publications. The Commission has developed toolkits, application forms, returns forms, codes of practice, guidance, and a monthly Bulletin, to help Licensing Authorities carry out their regulatory responsibilities around gambling.

1.18 Local Gambling-related Activity

The following numbers of premises in Derbyshire Dales are currently licensed under the 2005 Act:

- 1 Adult Gaming Centre (Matlock Bath)
- 2 Bookmakers (Betting Shops)
- 4 Family Entertainment Centres (Matlock Bath)
- 1 Occasional Use Notice (Pikehall Harness Racing)
- 180 (approx) Small Society Lotteries.

1.19 Licensing Statistics

Regulatory Services Service Plan -

A target of 20+ visits to licensed premises during 2023-2024 has been agreed and published in the Regulatory Services Service Plan. It is proposed that some of these will be made as joint visits with partners where resources permit. In the main these will be to alcohol-licensed premises and to gambling premises.

1.20 Licensing Authority Statistics Published by Gambling Commission

Licensing authorities (LAs) have a statutory duty to provide the Gambling Commission with specific information about gambling regulation in their area. The Commission collates and analyses the information to help Licensing Authorities, and the Government, understand the local and national landscape of gambling regulation.

Every September, the Commission publishes the licensing authority statistics for all authorities in England and Wales. The statistics for 2022-2023 have been delayed and are awaited.

1.21 Alcohol and Late Night Refreshment Licensing Statistics Published by the Home Office

The Home Office asked all licensing authorities in England and Wales to complete a statistical return for the year 2021/22 to enable them to produce the Alcohol and Late Night Refreshment Licensing 2021/22 statistical release.

The data will now be collected every other year and the length of the questionnaire has been reduced. This should reduce the burden on licensing authorities while continuing to ensure the headline data series is available for comparison between authorities/areas.

The next return is not expected before the end of the financial year 2023-24.

2. **Financial and Resource Implications**

2.1 The direct costs and income of administering the Licensing Act 2003 and the Gambling Act 2005 during the last 3 financial years, are shown in the following table:

Licensed Premises	2020/21 Actual £	2021/22 Actual £	2022/23 Budget £
Direct Costs	89,646	88,296	107,350
Support Services	30,480	30,021	36,499
Total Income	-100,607	-131,752	-121,858
Net Cost / (Income)	19,519	-13,435	21,991

NB: Support services are no longer allocated directly to services. Support service costs have been applied as a proportion of direct costs using a multiplier of 34% (based on 2016/17 actuals when more detailed records were maintained).

The costs of implementing the recommendations made in this report can be met from the existing budget and therefore the financial risk is assessed as low.

3. Legal Advice and Implications

- 3.1 It is the duty of the Council to licence and monitor gambling and licensable activities in the District.
- 3.2 This report provides the Committee with information on how the Council is continuing to implement the Licensing Act 2003 and the Gambling Act 2005 in practical terms.
- 3.3 This report shows that practical steps are taken to make sure premises are complying with the relevant legislation and the risk to the council of a legal challenge due to its licensing functions is relatively low.

4. Equalities Implications

- 4.1 No direct impact.

5. Climate Change Implications

- 5.1 No direct impact.

6. Risk Management

- 6.1 The District Council has a statutory responsibility for the regulation of alcohol, entertainment, late night refreshment and gambling activities.

Report Authorisation

Approvals obtained from:

	Named Officer	Date
Chief Executive	Paul Wilson	27/11/2023
Director of Resources/ S.151 Officer	Karen Henriksen	23/11/2023
Monitoring Officer	Helen Mitchell	23/11/2023

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Agenda Item 6

**OPEN
LICENSING AND APPEALS COMMITTEE**

Licensing and Appeals Committee – 5 December 2023

REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY 2023 – PROGRESS REPORT

Report of Director of Regulatory Services

Report Author and Contact Details

Eileen Tierney, Licensing Manager
01629 761374 or eileen.tierney@derbyshiredales.gov.uk

Wards Affected

District Wide

Report Summary

To provide the Committee with an update on the review of the Council's Taxi and Private Hire Licensing Policy.

The Committee are informed of some additions/changes/recommendations to the draft policy document for consideration. These were received following the consultation exercise carried out since the last meeting.

The report seeks the Committee's approval of a final draft taxi and private hire licensing policy document for consideration for adoption at the January 2024 meeting of the full Council.

Recommendations

That a final Draft Taxi and Private Hire Licensing Policy is agreed and referred to full Council in January 2024, for consideration to approve, adopt and republish.

List of Appendices

Appendix 1

Draft Taxi and Private Hire Licensing Policy (proposed amendments are highlighted).

Background Papers

DfT Taxi and PHV Best Practice Guidance

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance> (17 Nov 2023)

Equalities Act - Statutory Guidance - section 167 list of designated wheelchair accessible vehicles

<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2#section-167-list-of-designated-wheelchair-accessible-vehicles--statutory-guidance-for-llas>

Statutory Taxi and Private Hire Vehicle Standards (Nov 2022)

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

Safeguarding and Road Safety Act 2022

<https://www.gov.uk/government/publications/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022>

Department for Transport (DfT) Statutory Taxi & Private Hire Vehicle Standards – July 2020.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

Equality Impact Assessment - DDDC Taxi and Private Hire Licensing Policy (2022)

DDDC Taxi and Private Hire Licensing Policy (May 2018)

Consideration of report by Council or other committee

A final Draft of the reviewed Taxi and Private Hire Licensing Policy document will be reported to the January 2024 meeting of full Council, for Members' consideration.

Council Approval Required

Council approval will be sought to adopt a final Draft of the Taxi and Private Hire Licensing Policy, with a view to republishing after the January 2024 meeting of full Council

Exempt from Press or Public

No

Review of Hackney Carriage (Taxi) and Private Hire Licensing Policy 2023 – Progress Report

1. Taxi and Private Hire Licensing

The over-riding aim for Derbyshire Dales District Council ('the Council') when carrying out its functions relating to the licensing of Hackney (Taxi) or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and others who use or have an interest in licensed Taxi and Private Hire services.

- 1.1 This is achieved by having in place a robust Taxi and Private Hire Licensing Policy which sets out the various standards and procedures to be followed in administering Taxi and Private Hire Licensing across the district. The policy provides an overview to the general public, existing licence-holders and new applicants, of how licence applications will be dealt with and how once a licence has been granted a licence-holder will be monitored.

- 1.2 Whilst each application for a licence will always be considered on its own merits, officers and elected members must have regard to the Council's taxi licensing policy, in addition to related legislation, associated regulations and guidance from Government, when determining an application.
- 1.3 The Council will only depart from its policy where it is considered appropriate to do so. This will normally be where there are exceptional circumstances which warrant a different decision and consideration. For example: an exemption to a particular policy requirement, such as the type, or age, of vehicle to be licensed. This is particularly relevant if someone wishes to licence a vintage or novelty vehicle.
- 1.4 Some members may recall that the Council introduced its first taxi and private hire licensing policy in February 2009. This has been reviewed several times since then, and a final revised version was approved and re-published by the Council in May 2018. It was intended that the policy would be fully reviewed and re-published every 5 years, or sooner if there was significant reason.
- 1.5 The introduction of the Statutory Taxi and Private Hire Vehicle Standards by the Department for Transport (DfT) in 2020/21 was a major prompt for Councils to review and update their policies to achieve a country-wide consistent approach to managing the regulation of taxi and private hire licensing.

1.6 Preparing the Draft Taxi and PHV Licensing Policy Document for Consultation

Members have been kept informed of the progress made in moving the review forward.

1.7 Statutory Taxi and Private Hire Vehicle Standards, issued by the Department for Transport (DfT)

The statutory guidance issued for the Taxi and (PHV) Private Hire Vehicle sector of the transport trade was pivotal in councils' review of their own standards. The guidance focussed on protecting children and vulnerable adults and included extensive advice on checking the suitability of individuals and operators to be licensed. It also contained measures to replace relevant sections of the Best Practice Guidance issued by the DfT in 2010, which at the time was the only government guidance to licensing authorities, until the national standards/guidance was issued in 2020.

- 1.8 When preparing a revised Draft Policy document for consultation, the District Council's current Taxi Licensing Policy document was reviewed and revised taking account of the proposals in the National Standards.

1.9 The Department for Transport (DfT): Taxi and Private Hire Licensing Best Practice Guidance for Local Authorities (17 Nov 2023)

The Best Practice Guidance issued by the DfT in 2010 has also been under review for several years. It has now been updated and was re-published on 17 November 2023. This version replaces all previous versions.

- 1.10 It is suggested that the current review of the Council's Policy document is progressed as planned. Any further changes that may be necessary as a result of the new Guidance from the DfT should be addressed in 2024.
- 1.11 The objective of the government is to work with licensing authorities to promote the regulation of the taxi and private hire vehicle sector in such a way that enables the provision of safe, accessible, available, and affordable services that meet the wide range of passenger needs by a thriving trade.
- 1.12 Members will be aware from previous reports that the Council's own Taxi Licensing Policy and administrative procedures already complied with most of the requirements highlighted in the national standards guidance. The proposed final draft of the Policy will ensure that all of those standards are being met.

2 Key Issues

- 2.1 At the June meeting, a draft Policy document was agreed for consultation, and a consultation exercise on the proposed revisions to the policy took place between 1st September and 31st October 2023.
- 2.2 The consultation document was made available on the Council's website and views were invited from the stakeholders consulted in 2018 when the current policy was adopted, which included the taxi/PHV trade, SEN transport and the general public.
- 2.3 The responses received were mainly in respect of administrative amendments to the application procedures, in Appendices C and D of the document. The text detailing all the proposed changes has been highlighted in the document, for ease.
- 2.4 During discussions with some of the trade and other stakeholders, the Licensing Manager received comments that the Committee may wish to consider now or defer for future discussion.
 - The introduction of a 6-month vehicle licence option.

Currently all vehicle licences issued by the Council are for a 12-month period, with 2 vehicle inspections required during the year. So, where a vehicle licence is surrendered before the 6-month vehicle test is due, the fee for that test is refunded as the service is cost-recovery and we can only charge for the service provided.

Car Hire companies used by taxi drivers if their vehicle is involved in an accident or off the road for a period of time, currently licence a replacement vehicle for the 12-month period. However, because the hire car is usually only needed for 3-4 months maximum, we believe that some companies may remove the licence plates from the vehicle and re-licence it with another authority if a different driver needs a temporary replacement vehicle.

Most of these Hire Companies specialise in providing taxis and are not locally-based, so it is difficult getting them to attend the Council's Depot for the 6-month vehicle test required for the vehicle to remain licensed. This often results in missed appointments and unnecessary administration. It is at that point they decide to surrender the vehicle licence plate and a refund becomes necessary.

As Members will be aware we also issue vehicle licences to a company specialising in SEN (Special Education Needs) and Adult Care contracts with Derbyshire County Council (24 x 7 Ltd).

These vehicle licences are issued for 12 months, but the company replaces the vehicles when they reach 6 months old or have carried out 4,000 miles, whichever comes soonest. Administratively, it would assist the Licensing Team and the Operator if these vehicles were only licensed for a maximum of 6 months, as the process for a licence expiring is much simpler than processing a surrendered licence. The company licences around 80 vehicles with the Council, which means we are processing 150+ vehicle licences in the same year for the same customer. The only exception to the 6-month licences we issue for 24 x 7 Ltd are their minibuses and WAVs which are more difficult and expensive to replace so are licensed for the full 12 months and are also renewed at the end of the year.

- The shortage of Wheelchair fully accessible licensed vehicles

Several members of the public and a member of staff at a nursing home in the north of the district raised the issue of the lack of wheelchair fully accessible licensed vehicles in the area (WAVs). Currently we don't have any licensed WAVs, other than those we have licensed to carry out DCC SEN and Adult Social Care contracts only.

3 Options Considered and Recommended Proposal

If a final draft policy document is agreed by the Committee, it is recommended that this is referred to full Council before end of January 2024 for consideration to approve and republish.

The timetable for implementation of the revised Policy is recommended with effect from 1st February 2024. It is also recommended that the revised policy should be kept under close review during 2024 – with particular regard being paid to any recommendations contained in the DfT Best Practice Guidance released on 17 November 2023.

4 Policy Implications

- 4.1 The Council's Taxi and Private Hire Licensing Policy must be amended to address the requirements of The Department for Transport's (DfT) Statutory Taxi and Private Hire Vehicle Standards, and The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.
- 4.2 When a final Policy has been agreed and adopted it should be reviewed at least once every 5 years, taking account of any future revisions needed with the introduction of the DfT Best Practice Guidance issued on 17 November 2023.

5 Financial and Resource Implications

- 5.1 There are no costs associated with implementing the revisions to the Policy. The financial risk arising from this report is low.

6 Legal Advice and Implications

- 6.1 This report provides the Committee with an update on the review of the Council's current Taxi and Private Hire Licensing Policy.
- 6.2 The District Council has a duty to consult, and to demonstrate that it has consulted in making decisions on how to undertake its functions and activities which affect the public. Failure to consult or demonstrate how consultation has influenced the decision-making process is an area where the District Council could face legal challenge.
- 6.3 As long as there is compliance with legislative requirements to make changes to the Policy, the legal risk of challenge of the decisions as recommended has been assessed as low.

7 Equalities Implications

- 7.1 In reviewing its Taxi and Private Hire Licensing Policy the Council will comply with its duties under the Equality Act 2010. It will also comply with the requirements under the Taxis and Private Hire Vehicles (Disabled Persons) Act.

8 Climate Change Implications

- 8.1 There are no direct climate change implications arising from this report.

9 Risk Management

- 9.1 The District Council has a statutory responsibility to undertake the duties outlined in the report.

Report Authorisation

Approvals obtained from:

	Named Officer	Date
Chief Executive	Paul Wilson	27/11/2023
Director of Resources/ S.151 Officer	Gemma Hadfield	27/11/2023
Monitoring Officer	Helen Mitchell	27/11/2023

**DRAFT DOCUMENT FOR
CONSULTATION (version 2)**

TAXI AND PRIVATE HIRE LICENSING POLICY

Approved by Derbyshire Dales District Council
on **XXXXXXX 2024**

Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN

01629 761345
licensing@derbyshiredales.gov.uk

~~Version 5: with effect from 01 MAY 2018~~
Version 6: with effect from XXXXXX 2024

THIS DOCUMENT SUPERSEDES ALL PREVIOUS VERSIONS OF THIS POLICY

(NB: proposed amendments are highlighted in the document for consideration).

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DEFINITIONS

Throughout this document:

- 'The Council' means the Derbyshire Dales District Council
- 'Vehicle' or 'Licensed Vehicle' means both a Hackney Carriage and Private Hire Vehicle
- 'Taxi' or 'taxi' means a Hackney Carriage
- 'PHV' means a Private Hire Vehicle
- 'The Guidance' means The Department for Transport - Taxi and Private Hire Vehicle Licensing Best Practice Guidance (Latest Version).
- Authorised Officer means delegated Officer
- Taxi Meter means a device used in taxis that automatically records the distance travelled and the fare payable.

1. BACKGROUND

1.1 Role of Taxis and Private Hire Vehicles (PHVs)

1.1.1 Taxis and PHVs have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, such as the Derbyshire Dales, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.2 Aims and Objectives of Licensing Policy

1.2.1 The aim of licensing the taxi and PHV trade is primarily to protect the public as well as to ensure that the public have reasonable access to taxi and PHV because of the part they play in local transport provision. It is important that the Council's licensing powers are used to ensure that taxis and PHVs in the district are safe, comfortable, properly insured and available where and when required.

1.3 Licensing Profile

1.3.1 The District of Derbyshire Dales is an area of spectacular countryside, approximately half of which lies within the Peak District National Park. The District is home to approximately XXXX people living in the four main attractive market towns which are centres of population - Ashbourne, Bakewell, Matlock and Wirksworth, - and in the 100 or so smaller towns and villages. Some of the attractions that are located in the District include Chatsworth House, Haddon Hall, Sudbury Hall, The Heights of Abraham, Gulliver's Kingdom and many picturesque Dales along the Rivers Derwent, Dove, Lathkill and Wye.

1.3.2 This Policy applies to the following:

Hackney Carriages (Taxis):

A vehicle available to transport members of the public that has no more than eight seats for passengers, which is licensed to stand or ply for hire. A hackney carriage may stand at designated taxi ranks (referred to in legislation as a "hackney carriage stand") and also on the street ("standing for hire") and/or be hailed in the street by members of the public ("plying for hire"), in both cases within their designated zones. Hackney Carriages may also undertake pre-booked journeys.

Derbyshire Dales District Council does not currently restrict the number of hackney carriage vehicle licences it will issue. This issue will be kept under review throughout the duration of this Policy.

Private Hire Vehicles: These are licensed to carry no more than eight passengers and must be booked in advanced through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks.

Private Hire Operators: are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of drivers they use and the condition of the vehicles that they use.

A Private Hire Operator's base must be located in the Derbyshire Dales district.

Hackney Carriage and Private Hire Drivers: Licensed individuals who meet the criteria of the suitability tests and checks. Only a licensed driver can drive a licensed vehicle.

The requirements for licensed drivers who only undertake school or community service contracts issued by Derbyshire County Council are not required to undertake the location section of a knowledge test. All other requirements remain in place. This alteration from the usual policy recognises that these drivers will be undertaking journeys on fixed routes. A Private Hire Driver's Licence will be issued in this circumstance but will be conditioned so that the driver can only drive a licensed vehicle when the vehicle is undertaking such a contract.

1.3.3 ~~At 1st April 2018, licences were held in respect of 78 Hackney Carriages (taxis), 20 Private Hire Vehicles, 20 Private Hire Operators, and 126 drivers (combined Hackney Carriage/Private Hire). These numbers fluctuate as licences are surrendered and new applications are granted, but provide a broad indication of the numbers expected to be found within the Derbyshire Dales.~~

1.3.3 Complaints or Compliments

The Council has a robust system for recording complaints about licensed drivers. (Compliments are also recorded). The public can be assured that any complaints received will be fully investigated. Officers will use the Breach of Conditions and Convictions Scheme (see Appendix F) to assess the severity of the complaint/offence.

If the complaint is substantiated, the Penalty Points Scheme will be used to attach points to the driver's taxi/phv licence, or to refer the matter to a meeting of the Licensing and Appeals Sub-Committee to determine whether the driver remains a fit and proper person to hold a licence.

Anyone wishing to make a complaint about a driver can do so by emailing licensing@derbyshiredales.gov.uk, or by using one of the "Contact Us" forms on the Taxi Licensing pages of our website. (Note: link details to be provided before policy is re-published)

2. INTRODUCTION

2.1 Powers and Duties

2.1.1 This statement of licensing policy has been produced in relation to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Derbyshire Dales District Council (the Authority) the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

2.2 Objectives

2.2.1 In setting out its policy Derbyshire Dales District Council seeks to promote the following objectives:

- Protection of public health and safety;
- Establishment of a professional and respected hackney carriage and private hire vehicle trade;
- Access to an efficient and effective public transport service;
- Protection of the environment.

The aim of the licensing process in this context is to regulate the hackney carriage and private hire vehicle trade in order to promote the above objectives. The Council's aim is to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.

2.3 Status

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

2.3.2 However, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its Policy, clear and compelling reasons will be given.

2.3.3 Whistle-blowing

It is important that the application of any of the Council's policies is a transparent process. Where anyone has any concerns that this policy is not being applied correctly, the matter should be reported so that it can be investigated, and remedial action taken if necessary. Any investigation will be carried out in accordance with the Council's internal Whistle-blowing policy for Officers and Members. (NB: details of how to raise an issue to be added here)

2.4 Implementation

2.4.1 This Policy supersedes all previous versions of the Policy. It will take effect from January 2024. The Policy will be kept under review and revised as appropriate, and at least once every 5 years.

3. ARRANGEMENT OF SECTIONS

3.1 In order to provide clarity for potential applicants for licences or for existing licence holders, this document is split into sections. In particular, sections 4 (Vehicles), 5 (Drivers) and 6 (Private Hire Vehicle Operators) set out the Council's expectations, intentions and guiding principles. The application procedures and conditions to be attached to any licence granted are explained in more detail in the Appendices. All licensed Drivers, Private Hire Operators and Vehicle Proprietors will comply with all of the requirements and conditions set out in the Policy document including the appendices.

4. VEHICLES – (Hackney Carriage & Private Hire Vehicles)

4.1 Specifications and Conditions

4.1.1 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Taxis and private hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous.

4.1.2 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Purpose-built vehicles are amongst those which we will licence as hackney carriages (taxis).

4.1.3 Vehicles that accommodate over eight passengers must be licensed through the PSV (Public Service Vehicle) Office. However, vehicles that have been modified and now accommodate eight passengers, may be considered by the Council provided they comply with the following:

- The vehicle has been professionally changed e.g. by the manufacturer or qualified professional, and certificated at time of application.
- The seat mounting holes of those seats removed have been welded up.
- The vehicle passes the Council's Vehicle Inspection Test.

4.2 Maximum Age of Vehicles

4.2.1 The Council considers that because of the high mileage of taxis and private hire vehicles and the associated wear and stress on these vehicles, a maximum age limit will be put on vehicles that will be licensed.

4.2.2 The District Council will only routinely licence vehicles that are under 10 years old at the date of grant or renewal.

4.2.3 Any applications requesting an exemption from the age limit will be considered on a case-by-case basis. Comprehensive supporting evidence will be required and the vehicle must pass an inspection at the Council's approved testing station, prior to the application being considered at a meeting of the Council's Licensing and Appeals Committee.

4.3 Vehicle Testing

4.3.1 The testing of all vehicles will take place at the Council's approved testing station.

4.3.2 The Council requires all hackney carriage vehicles (taxis) and private hire vehicles to be tested on application, before a licence is issued and every 6 months from that date. This requirement is in addition to an MOT.

4.4 Roof Signs and Vehicle Plate Signage

4.4.1 Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot legally be hailed in the street. It is, therefore, important that the public are able to easily distinguish each type of vehicle.

4.4.2 Roof-mounted signs on PHVs are not seen as best practice even if they indicate 'pre-booked only', as any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. For this reason roof mounted signs will not be permitted on PHVs licensed by this Authority.

4.4.3 Within the Derbyshire Dales District Council area, both Taxis and PHVs are required to display a licence plate on the rear of the vehicle (these are of different colours, hackney carriages being yellow and PHVs green, to distinguish one from the other). The licence plate is a key feature in helping to identify vehicles that are properly licensed.

4.4.4 All Taxis should carry illuminated roof-mounted signs indicating that they are a taxi. Similarly and in order to differentiate between the two types of licensed vehicle, private hire vehicles will not be able to carry roof-mounted signs of any kind or any references to the words "Taxi" or "Hackney".

4.4.5 Minibuses, transits and people carrier type vehicles which do not have roof signs, will have to display the single word "Taxi" on the front and rear of the vehicle.

4.4.6 Advertising on the vehicle will be limited to the proprietor's company name, logo and contact details, (including reference to website and social media).

4.4.7 Fare scales or discounts charged by the owner/proprietor shall be allowed on vehicles but the size and position of such information will be strictly controlled with such advertising being kept to a minimum.

4.5 Security/CCTV

4.5.1 It is not considered that such measures should be compulsory at this time. However the Council will support provision of CCTV systems where the installation and operation of the system complies with the Information Commissioner's Office (ICO) Code of Practice.

4.5.2 CCTV must not be installed in any Taxi or PHV before notifying the Council, in writing.

4.6 Intended Use (Hackney Carriage Vehicles Only)

4.6.1 Derbyshire Dales District Council expects Hackney Carriage Vehicles to be used for plying for hire within the Derbyshire Dales District. If carrying out pre-booked work, the vehicle is expected to be used predominantly to carry out bookings where the journey is wholly or partly within the district.

4.7 Application Procedure – Vehicle Licences

- 4.7.1 The application procedure for a Taxi or PHV licence is not prescribed by Government. Applications must be made on the Council's application forms, in accordance with the Council's application procedures. The forms will be made available electronically and in various formats to prevent exclusion.
- 4.7.2 The procedures are included in this policy and will be revised, updated and re-published periodically; (see Appendix C).

4.8 Consideration of Applications

- 4.8.1 The Council will consider all applications on their own merits, once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

4.9 Grant and Renewal of Vehicle Licences

- 4.9.1 Taxi or PHV licences will be granted/renewed for a one-year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.
- 4.9.2 The Council aims to send renewal reminders to existing licence-holders **4-6 weeks** before the licence expiry date. Application forms, fees, and supporting documentation, must be submitted at least **2 weeks** before the expiry date. **Submission by email with telephone payment is currently accepted.** The responsibility for renewing the licence before the expiry date remains with the licence holder.
- 4.9.3 Applications can be emailed to licensing@derbyshiredales.gov.uk and payment can be made by telephoning the payment line 01629 761166.

4.10 Environmental Considerations

- 4.10.1 The Department of Transport guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.
- 4.10.2 Taxis and PHVs are an essential form of transport in the Derbyshire Dales. Many people depend on taxis for trips that buses are incapable of making. They are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the district. It is, however, clearly important that emissions from taxis and PHVs are reduced as far as possible.
- 4.10.3 The licensing policy seeks to improve, as far as possible, the efficiency of vehicles licensed in the district. The primary way in which this is achieved is by regulating the age of licensed vehicles. However, the District Council will support other initiatives to reduce the environmental impact of licensed vehicles, where these do not adversely impact the aims and objectives of this policy.

4.11 Stretched Limousines

4.11.1 The Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as a motor vehicle constructed or adapted to carry eight passengers or fewer, other than a hackney carriage or public service vehicle, which is provided for hire with the services of the driver for the purposes of carrying customers. Section 48 of the 1976 Act requires that before a licence is granted the Council must be satisfied that the vehicle is:

- suitable in type, size and design for the use as a private hire vehicle;
- not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- in a suitable mechanical condition;
- safe;
- comfortable.

4.11.2 Stretched limousines can be licensed for private hire vehicle work providing they may carry no more than eight passengers and meet the requirements of the Act. Possible Exemptions under the 1976 Act provide that nothing should:

- apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
- apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;
- apply to a vehicle while it is being used in connection with a wedding.

4.11.3 In accordance with the latest guidance, (Department for Transport Best Practice Guidance 2023), all applications to licence stretched limousines as PHVs will be treated on their merits. It is, however, proposed that imported stretched limousine type vehicles:

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

4.11.4 The use of tinted glass in stretched limousines presents a safeguarding concern. Therefore, the glass in any windows should allow at least 50% of light to pass through. Please see paragraph 22.1 of Appendix A, for further information.

4.12 Funeral Vehicles

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

4.13 Wedding Vehicles

4.13.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a wedding.

4.14 Courtesy Cars

- 4.14.1 All vehicles with no more than 8 passenger seats that carry passengers for hire and reward must be licensed with the Local Authority. Case law supports the view that vehicles which are used as “courtesy cars”, i.e. for transporting customers to and from hotels, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed with the local Council as should their operator.

4.15 Livery

- 4.15.1 The visual distinction between hackney carriage and private hire vehicles licensed by Derbyshire Dales District Council is achieved by the use of official signage on hackney carriages and private hire vehicles; (see Appendix A).

4.16 Dual Plating

- 4.16.1 Derbyshire Dales District Council does not permit the dual-plating of a licensed vehicle.
- 4.16.2 This means that where a vehicle is licensed by Derbyshire Dales District Council, it may not be licensed by any other Council at the same time, and vice versa.

5. DRIVERS

5.1 Parallel Procedures

- 5.1.1 The statutory and practical criteria and qualifications for a private hire vehicle driver are similar to those for a hackney carriage driver. The following sections apply to the drivers of private hire vehicles and hackney carriages.

5.2 Combined Taxi/private hire vehicle Driver Licences

In general, the Council does not require separate driver’s licences to be held in respect of hackney carriage and private hire vehicles. A combined licence will be granted to enable the driving of both types of vehicle.

In cases where the driver is employed to only carry out SEN Special Educational Needs School or Community Contracts, a Private Hire Driver’s Licence will be issued but will have a condition attached to restrict the use to driving a licensed vehicle only when undertaking such a contract.

If a licensed driver ceases employment the driver’s licence must be returned to the licensing authority..

5.3 Age and Experience

- 5.3.1 A licence to drive a Taxi or PHV will not be granted to a person who has not held a full DVLA driving licence for a minimum period of one year.

5.4 Driver’s Knowledge Tests

- 5.4.1 In order to maintain the high standards that the Council expects of its drivers, a licence to drive a hackney carriage or private hire vehicle will not be granted unless the Council is

satisfied that the applicant is a fit and proper person. In this context a driver's ability to find the correct destination/location is part of this requirement.

5.4.2 To determine an applicant's suitability, he or she will be required to undertake a written Driver's Knowledge Test. The test will **require knowledge of:**

- Local geography;
- The Highway Code and Theory Test for Car Drivers;
- The Hackney Carriage and Private Hire Vehicle licensing law
- This Council's current Taxi/Private Hire Licensing Policy document;
- Safeguarding;
- Equalities;
- Basic English

5.4.3 A fee will be charged for each Driver Knowledge Test undertaken or re-taken. This covers the cost of setting up and operating the tests.

5.4.4 A cancellation fee will be charged for cancelling and re-arranging a test date at less than 3 days' notice.

5.4.5 Each test consists of 3 separate sections. To pass the test an applicant will need to achieve a score of 80% or more in each of the 3 sections, of the same test.

5.4.6 Where an applicant is only going to drive private hire vehicles to fulfil school or community contracts, the location section of the knowledge test will not be imposed. The fee for sitting the test or re-test **will therefore be reduced.**

5.4.7 Applicants are permitted to sit up to 3 separate tests if a pass mark is not achieved first time.

5.4.8 If a pass is not achieved by the third test, the applicant will have to start the process again and will not be allowed to sit another Knowledge Test until a period of 6 months has passed. This is to allow sufficient time in which to become familiar with the area and to fully prepare for the test.

5.5 Medical Examination

5.5.1 A medical examination to DVLA Group 2 Medical Standards, by an appropriately qualified doctor, to assess an applicant's fitness to drive a licensed vehicle, is required before a licence may be granted. This will apply in all cases including where the applicant holds a current PSV/PCV and/or HGV Licence.

5.5.2 The Licensing Team will provide the relevant form for a medical examination for completion by the doctor. The applicant will be responsible for paying the examination fee directly to the doctor.

5.5.3 Once licensed a driver must submit a satisfactory medical certificate to the District Council every three years or more frequently if recommended, by an appropriately qualified doctor.

5.5.4 Licence holders must provide written notification to the Council, of any deterioration in their health that may affect their driving capabilities. Failure to do this will result in penalty points being applied to the driver in accordance with the Breaches of Conditions and Convictions Scheme detailed in Appendix F.

5.5.5 Where there is any doubt as to the medical fitness of an applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Doctor appointed by the Council.

5.5.6 Where there remains any doubt about the fitness of any applicant, the matter will be referred to a meeting of the Licensing and Appeals Committee, to be determined.

5.6 Criminal Record Check - Disclosure and Barring Service (DBS)

5.6.1 Before an application for a driver's licence will be considered, the applicant must provide a current Enhanced DBS Disclosure Certificate of Criminal Convictions, which includes a police check, and a check of both the Adult and Child Barred Lists, and in the case of an overseas applicant, a certificate of good conduct from the relevant embassy.

5.6.2 The Council has a duty to ensure that the checks it carries out, and consequently the information it holds, are fully up-to-date. Criminal Record Disclosure Certificates from other local authorities will not be accepted, unless the applicant has already subscribed to the On-line Disclosure and Barring Update Service. This will allow any Licensing Authority to check the most current report on-line, with the applicant's permission. A consent form signed by the licence-holder will be required on application for a new licence and on renewal. ~~A re-check will be required every 3 years, as a minimum.~~

5.6.3 ~~From 1st April 2018,~~ All drivers licensed by the Council will be required to subscribe to the On-line Disclosure and Barring Update Service once the initial check has been carried out. Failure to remain subscribed to the service will result in the driver's licence being suspended until such time as the subscription is renewed.

This will ensure that only the most up-to-date information is being used whenever a check is being carried out.

5.6.4 The Council will make periodic checks of a driver's criminal record as required, but at least one check will be made every 6 months.

5.6.5 To support improved safeguarding issues across the service, any person who is not applying to be licensed by the Council as a Taxi/PHV driver, but owns/part owns a licensed vehicle will be required to provide a current enhanced DBS Check and subscribe to the on-line update service.

5.6.6 The Council is bound by rules of confidentiality, and the Data Protection Act 1998, and will not divulge information obtained to any third parties, unless required to do so by law.

5.6.7 The applicant will be required to pay the full costs associated with providing this check; (this will include any administration charges incurred by the District Council).

5.6.8 Certificate of Good Conduct

As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than six months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English.

The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.

NB - Nothing in this policy shall preclude a licence-holder from being required to undergo a further DBS check at any time as directed by an authorised officer of the Council.

5.7 Driver Vehicle Licensing Agency (DVLA) Check

5.7.1 Applicants must have held a full UK, Northern Ireland, European Economic Area (EEA) or exchangeable driving licence (a person can only use an exchangeable licence for twelve months, after which it must be exchanged for a UK licence) for at least twelve months prior to application (this excludes the holding of a provisional licence).

5.7.2 A photo card driving licence meeting these requirements must be submitted with the application form (including renewal applications) and will be checked against the Driver and Vehicle Licensing Agency (DVLA) information issued. Any prospective applicant who does not hold a photo card driving licence must obtain one before the application is made. The address on the DVLA licence must be the same as the addresses on any other paperwork submitted with the application. The Council may carry out spot checks on a random basis to ascertain any changes to the status of the DVLA licence.

5.7.3 A check of a driver's DVLA record is necessary to determine whether or not the applicant is a safe driver and capable of driving a vehicle in the manner expected of a Hackney Carriage or Private Hire Vehicle driver. It is also used to confirm how long an applicant has held a full driving licence.

5.7.4 New drivers will be checked at the application stage of the licensing process and all drivers will be checked annually. The Council may request a further check at any time if considered necessary. The driver will be required to pay any cost associated with providing this check.

5.7.5 Licensed drivers must provide written notification to the Council as soon as possible, and in any event no later than within **10 days** of any criminal convictions relating to driving offences. This includes convictions resulting from accepting a fixed penalty notice for driving offences.

5.7.6 Any breach of this requirement will result in penalty points being applied to the driver in accordance with the Breaches of Conditions and Convictions Scheme detailed in Appendix F of this Policy. This could result in a referral to a meeting of the Council's Licensing and Appeals Committee to determine whether the driver continues to be a fit and proper person to drive a licensed vehicle.

5.8 Relevance of Convictions and Cautions

5.8.1 In relation to the consideration of convictions and cautions recorded against persons, the Council will apply the Breaches of Conditions and Convictions Scheme detailed in Appendix F.

5.8.2 In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. **It will take account of cautions and convictions, whether spent or unspent, in so far as they are relevant to an application for a licence.** When a certificate from the Disclosure and Barring Service (DBS) is received, the Licensing Manager (or other officer delegated to do so) will assess whether any of the convictions are capable of having real relevance to the issue of whether or not the applicant is a fit and proper person.

- 5.8.3 In relation to cautions, the Council will have regard to the class and age of the offence, when considering its relevance to an application. Cautions given more than one year before the date of application will generally be treated as irrelevant, however all cautions will be considered on a case by case basis. Criminal Behaviour Orders will also be considered and these should be declared on the application form or renewal application form in addition to convictions and/or cautions.
- 5.8.4 In relation to disclosed convictions, the Council will have regard to the following:
- The class of the offences;
 - The age of the offences;
 - The apparent seriousness, as gauged by the penalty.
- 5.8.5 Applications will be referred to the Licensing and Appeals Committee where the applicant's record includes one or more of the following:
- Any term of imprisonment or custody;
 - Any conviction for a violent or sexual offence, or dishonesty, which is of a serious nature;
 - Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving;
 - Where more than six points have been acquired on their DVLA Driving Licence.

5.8.6 Notification of Arrest and Release

Licensed drivers will be required to notify the licensing authority **within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.**

An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to hold a licence.

This does not mean that the licence should automatically be withdrawn - the licensing authority will consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

5.9 Right to Work in the UK (Immigration Act 2016)

- 5.9.1 All applicants must provide documentary evidence they have a right to work in the UK. A full explanation of the documents provided is outlined at Appendix D of this policy.
- 5.9.2 An applicant's right to work in the UK will be checked as part of their licence application, this could involve the council checking a person's immigration status with the Home office. The Council may otherwise share information with the Home Office. The applicant must therefore provide a document or document combination that is stipulated as being suitable for this check, the list of documents is set out in Appendix D of this policy. Applicants must provide the original document(s).
- 5.9.3 An application will not be considered valid until all the necessary information and original document(s) have been produced and the relevant fee has been paid.

5.9.4 If there are restrictions on the length of time an applicant may work in the UK, the licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time the licence holder applies to renew or extend his/her licence. If, during this period, he/she is disqualified from holding a licence because he/she has not complied with the UK's immigration laws, his/her licence will lapse and he/she must return it to the Council immediately.

5.10 Safeguarding and Child Sexual Exploitation (CSE) Awareness and County Lines Training

~~5.10.1 All existing licensed drivers must attend a training session approved by the Council on child sexual exploitation, within 12 months of the introduction of this Policy.~~

5.10.2 New drivers will be required to attend a training session on Safeguarding and Child Sexual Exploitation Awareness within 6 months of the grant of his/her Taxi/PHV driver's licence.

~~5.10.3 Licensed drivers will be required to attend receive refresher training on a 3-yearly basis. to coincide with the current renewal period for a hackney carriage/private hire vehicle driver's licence.~~

5.10.4 Failure, without reasonable excuse, to attend a course may result in the awarding of 12 penalty points and a referral to the Licensing & Appeals Committee.

5.11 Drivers of Wheelchair Accessible Vehicles

5.11.1 Drivers of this vehicle type must show they are competent in the loading and care of wheelchair passengers by obtaining one of the below qualifications. For new drivers this must be before they are granted a licence, for existing drivers it must be within six months of the date this policy is approved by the council.

5.11.2 Only drivers who obtain the requisite qualification will be permitted to drive a wheelchair accessible vehicle.

The acceptable levels of competence for wheelchair loading are:

- NVQ 7439, unit 228, Road Passenger Vehicle Driving (Taxi and Private Hire) or equivalent NVQ from another provider; or
- Module B of the Passenger Assistant Training Scheme (PATS).

5.12 Application Procedure – Combined Hackney Carriage/PHV Driver Licence

5.12.1 An application for a combined hackney carriage/private hire driver's licence must be made on the Council's application form. The Council's prescribed application procedure must be followed; (see Appendix D).

5.13 The Consideration of Applications

5.13.1 The Council will consider each application on its own merits once the appropriate checks have been undertaken, and a full application has been received; (to include application form, application fee and supporting documents).

5.14 Grant and Renewal of Licences

5.14.1 ~~Combined~~ **All Licences for Taxi and Private Hire Vehicle Drivers** will be issued for a period of 3 years from the date of grant, subject to the power to grant a licence for a shorter period should this be appropriate.

5.14.2 Holders of existing driver licences will be sent reminders, **approximately 8 weeks** before the expiry date of their licence. Application forms, appropriate fees, and supporting documentation, should be submitted to the Council no later than **6 weeks** before the expiry date of the licence. However, ultimately it is the licence-holder's responsibility to ensure that the licence is renewed and should therefore not rely on receiving a courtesy reminder.

5.15 Code of Good Conduct

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

5.16 Driver's Dress Code

5.16.1 In order to maintain the standard of the licensed trade, drivers should operate, at all times, in a professional manner and conform to a minimum standard of dress; (see Appendix J).

5.17 National Register of Taxi Licence Revocations and Refusals

5.17.1 The Council will provide information to a national register of taxi licence revocations and refusals as required under the provisions of The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. The National Register of Taxi Licence Refusals and Revocations is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused.

5.18.1 This is necessary to assess whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence. Where a hackney carriage or private hire driver licence is revoked, or an application for one refused, the Council will automatically record this decision on the national database. All applications for a new licence or licence renewal will automatically be checked on the database.

5.19.1 If a search of the database indicates a match with an applicant, the Council will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of a search of the database will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

5.20.1 The information recorded on NR3S itself will be limited to:
• Name • Date of birth • Address and contact details • National Insurance number • Driving licence number • Decision taken • Date of decision • Date decision effective.

Information will be retained on the national database for a period of 25 years. This is a mandatory part of applying for any taxi/private hire driver licence.

6 PRIVATE HIRE VEHICLE OPERATORS

6.1 Requirements and Obligations

- 6.1.1 Any person who operates a private hire vehicle licensed by the Council must apply to the Council for a Private Hire Vehicle Operator's Licence. The purpose of licensing PHV Operators is to ensure the safety of the public, who will be using an operator's premises and vehicles, and who will come into contact with any licensed drivers, arranged through them.
- 6.1.2 A private hire vehicle may only be despatched to a customer by a private hire vehicle operator who holds an Operator's Licence. The licence allows the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 6.1.3 A private hire vehicle operator must ensure that every private hire vehicle operated is driven by a person who holds a taxi/private hire vehicle driver's licence granted by the same Council that granted the vehicle licence.
- 6.1.4 An application for a private hire vehicle operator's licence must be made on the Council's prescribed form and submitted with the appropriate fee and supporting documents.
- 6.1.5 The Council will need to determine whether the applicant is a fit and proper person to hold an operator's licence, and that the premises are suitable for the purpose.

6.2 Basic Criminal Record Check

- 6.2.1 Before an application for a PHV operator's licence will be considered, the applicant must provide a current Basic Disclosure of Criminal Convictions, and in addition for overseas applicants a certificate of good conduct from the relevant embassy.
- 6.2.2 A Basic Criminal Record Disclosure Certificate is currently available from the Disclosure and Barring Service.

Applications can be made on-line <https://www.gov.uk/government/publications/basic-checks>

NB: If the Private Hire Operator applicant is already a licensed driver with the Council, a separate disclosure certificate will not be required as an enhanced DBS Check will already have been carried out.

- 6.2.3 The Council has a duty to ensure that the checks it carries out, and consequently the information it holds, is fully relevant and up-to-date. Criminal Record Disclosure Certificates from other local authorities will not be accepted, unless the applicant has already subscribed to the On-line Disclosure and Barring Update Service. This will allow any Licensing Authority to check the most current report on-line, with the applicant's permission.
- 6.2.4 A re-check for Private Hire Operators will be required every 6 months although it may be necessary for the Council to require additional checks where appropriate.

6.3 Conditions

- 6.3.1 The Council has powers to impose such conditions on a private hire vehicle operator's licence, as it considers reasonably necessary.
- 6.3.2 The standard conditions considered to be reasonably necessary are detailed in Appendix L.

6.4 Record Keeping

- 6.4.1 The conditions include a requirement that comprehensive records are kept in respect of all bookings, vehicles and drivers. These records must be available for inspection by an authorised officer of the Council, on request.

6.5 Insurance

- 6.5.1 Applicants must have the appropriate public liability insurance in place for the premises to be licensed as a private hire operator's base.
- 6.5.2 A licensed Operator must produce an appropriate certificate of motor insurance, covering every private hire vehicle he/she operates, and appropriate public liability insurance for their premises, if used by the public.

6.6 Duration of Private Hire Operator Licence

- 6.6.1 A PHV operator's licence will normally be granted for a 5-year period from the date of issue, subject to the power to grant a licence for a shorter period, in appropriate circumstances.
- 6.6.2 Requests for a lesser period than 5 years will be considered, dependant on the circumstances - for example: forthcoming retirement. Each application will be determined on a case-by-case basis, by the Licensing Manager in consultation with the Director of Regulatory Services.
- 6.6.3 The Council aims to send renewal reminders to existing licence-holders **4-6 weeks** before the licence expiry date. Application forms, fees, and supporting documentation, must be submitted **at least 2 weeks before** the expiry date. The responsibility for renewing the licence before the expiry date remains with the licence holder.
- 6.6.4 Applications can be emailed to licensing@derbyshiredales.gov.uk and payment can be made by telephoning 01629 761166.

6.7 Private Hire Operator's Base

- 6.7.1 When granting a PHV Operator's licence, the Council will specify the address from which the operator may operate, on the licence.
- 6.7.2 During the period of the licence, the Operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from which he/she operates). In the case of a change of home address, notification is required **within 7 days** of any such change taking place, and in the case of a change of operating address notification is required **at least 7 days before** this change takes place.
- 6.7.3 Any PHO Licence granted does not supersede the need for any other permission to operate from the premises – it is the applicant's responsibility to make sure that they have the appropriate planning permission to use the premises to operate the business.

6.8 Bases outside the Derbyshire Dales District Council Area

6.8.1 The Council will not grant a PHV Operator's licence for an operating base that is outside the Derbyshire Dales District Council area. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

6.9 Application Procedure – Private Hire Operator Licence

6.9.1 An application for a Private Hire Vehicle Operator's licence must be made on the Council's application form in accordance with the prescribed procedure; (see Appendix K).

6.9.2 This licensing procedure does not exempt an applicant from the requirement to ensure that the property they are operating from has appropriate permissions under other legislation, including Planning Permission.

7. FARES

7.1 General

7.1.1 Taxi fares are a maximum and are open to downward negotiation between passenger and driver. However, such negotiations are discouraged at ranks or for on-street hailing as they could lead to confusion.

7.1.2 Negotiation over fares is more appropriate for telephone bookings.

7.2 Prescribed rates

7.2.1 The driver of a hackney carriage vehicle must not charge any fare greater than the rate prescribed by the Council. The driver/operator of a private hire vehicle (on the other hand) may make his/her own agreement with the hirer as to the fare for a particular journey.

7.2.2 There are no provisions in the relevant legislation or this policy, which prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.

7.2.3 A hackney carriage driver must operate the meter, even if a lower fare has been agreed prior to the start of the journey.

7.3 Table of Fares

7.3.1 A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all customers.

7.4 Review of Fares

7.4.1 The Council can review the table of fares at any time, but fare rates will normally only be reviewed by the Council following representations from the trade or from a particular sector of the trade.

7.4.2 In the event that a request is not received from the trade within 3 years of the date of the last table of fares being approved, the Council will liaise with the trade to agree a proportionate increase for consultation with all other stakeholders. This will prevent a disproportionate increase to the maximum fares being necessary if not reviewed for a number of years.

7.5 Receipts

7.5.1 A taxi/private hire vehicle driver must, if requested by the passenger, provide him/her with a written receipt for the fare paid.

8. FEES

8.1 Fee Structure

8.1.2 The application fee structure will be reviewed annually as part of the budgetary process to ensure that the full cost of providing the service is recovered from the Trade. Licence holders will be notified of any changes.

8.2 Refunds of Application Fees

8.2.1 The appropriate fee must be paid when an application is submitted.

8.2.2 Generally, the Council will not make any refund in respect of the unexpired portions of the licence fees. (eg if licence is surrendered, revoked etc).

8.2.3 However, if a Taxi/PHV Driver's Licence is not granted, a refund of the application fee will be made, with reasonable costs for administration and issue incurred by the Council being deducted.

8.2.4 In specific circumstances, an application for a shorter licence period (Driver or Private Hire Operator Licences only) can be made, and if approved, a reduced application fee will be payable.

8.3 Payments

8.3.1 Payment for licence applications/sundries to be made as specified in the application form.

9. SMOKING AND THE LAW

9.1 It is an offence under the Health Act 2006 to smoke in a licensed hackney carriage or private hire vehicle.

9.2 The detailed requirements of the Health Act 2006 are shown below.

- A licensed taxi or PHV driver and any passengers (whether fare paying or not), may not smoke in a licensed vehicle.
- All licensed vehicles will be 'No-Smoking' at all times.
- Smoking in any licensed vehicle even if a driver is not carrying a fare, or when off duty, or in driver's own leisure time, is prohibited.
- 'No-Smoking' Signs must be displayed in each compartment of the licensed vehicle. For saloons, estates and hatchbacks this will be in the front and back; and for MPV's (Multiple Purpose Vehicles), Transporters etc in the front, middle and back.
- All signs must be visible from the outside and be clearly visible by any passenger being transported.
- Taxi/PHV drivers must take reasonable steps to stop anyone from smoking in their vehicle.

- If a passenger insists on smoking in the vehicle, the driver should stop the vehicle and the passenger should be asked to get out. A note should be taken of the date, time, place and name of the person (if known).
- All taxi offices must be 'Smoke-Free'
- All such premises must display 'No-Smoking' Signs.
- The owner/manager/proprietor or operator must take reasonable steps to meet the requirements under the above Act such as:
 - Removing all ashtrays;
 - Training employees and drivers so they understand the law and their responsibilities; and
 - Implement a Smoke Free Policy.

9.4 At Derbyshire Dales District Council responsibility for enforcement rests with both the Environmental Health and the Licensing Teams.

9.5 Failure to comply with the smoke free legislation is a criminal offence. The penalties for each offence are shown on the Smoke Free England Website at:
<http://www.smokefreeengland.co.uk/faq/enforcement/>

9.6 This Policy also prohibits the use of E-Cigarettes and similar products by the drivers of licensed vehicles.

9.7 Any breach of this requirement will result in penalty points and/or Fixed Penalty Notices being applied to the driver in accordance with the Breaches of Conditions and Convictions Scheme detailed in Appendix F of this Policy.

10. GLOSSARY OF TERMS APPLYING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

- 10.1 In these terms and conditions the following “**Interpretation**” provisions shall apply:
1. Words importing masculine gender only shall include the feminine and vice versa.
 2. Words importing the singular shall include the plural and vice versa.
 3. Words importing persons shall include companies and corporations and vice versa.
 4. Reference to an Act of Parliament or any Order, Regulation, Statutory Instrument or the like shall include reference to any amendment or re-enactment of the same.
 5. These Terms and Conditions shall be governed by and construed in accordance with English Law.
 6. References to any person, body, title or position shall include any successor discharging that function unless the context otherwise provides.
 7. With these Terms and Conditions reference to “the Council” or “the Local Authority” shall be references to Derbyshire Dales District Council unless the context otherwise provides.

8. References to the Penalty Points Scheme shall relate to the scheme detailed in Appendix F to this Policy.
9. Derbyshire Dales District Council shall be entitled to amend or vary any or all of these Terms and Conditions as deemed appropriate at any time after giving reasonable notice to licensees.

APPENDIX A

VEHICLES - SPECIFICATION AND CONDITIONS OF LICENCE

1. GENERAL

- 1.1 All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle (Hackney carriage or private hire vehicles including stretched limousines). This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.
- 1.2 All vehicles shall have an appropriate "type approval". The current acceptable options for vehicle registration in Great Britain include EU type approval and two forms of type approval introduced since Brexit: UK(NI) type approval and GB type approval, which were introduced on 1 January 2023.
- ~~European Whole Vehicle Type approval~~
 - ~~British National Type approval~~, or **GB Type approval**
 - **UK (NI) Type approval**
 - ~~British Single Vehicle Approval~~ **Individual Vehicle Approval (IVA)**.
- 1.3 All vehicles shall be capable of carrying at least 4 passengers and be fitted with a right hand drive (an exception regarding right hand drive may be made in the case of a stretched limousine).
- 1.4 All vehicles shall comply with all construction and use/type approval requirements applicable to it.
- 1.5 All vehicles shall be either a purpose-built taxi, or a 4-door saloon or 5-door hatchback/estate/multi-passenger vehicle except that a private hire vehicle shall not be of the London Taxi type.
- 1.6 Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time. A declaration will be required in the application form to confirm that the vehicle has not been written off for insurance purposes at any time. Checks may be carried out.
- 1.7 Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.
- 1.8 All vehicles shall at all times be maintained in a sound and roadworthy condition and must be serviced to the manufacturer's recommendations.
- 1.9 No vehicle must be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users.

2 DOORS

- 2.1 All saloons, estates or purpose built taxi vehicles shall have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.

- 2.2 All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.
- 2.3 All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

3 INTERIOR DIMENSIONS

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

4 SEATS

- 4.1 Multiple Purpose Vehicles (MPVs) which can carry between 5 and 8 passengers shall be licensed for the full seating capacity of the vehicle in accordance with the manufacturer's type approval.
- 4.2 Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.
- 4.3 In relation to the carriage of child passengers under 3 years of age in the front seat, an appropriate child restraint must be worn. Children aged 3 years to 135cm tall (approx. 45") who are under 12 years old must use an appropriate child restraint when travelling in the front seat. An adult seat belt must be worn if a child car seat is not fitted or is unsuitable.
- 4.4 When a child seat or booster seat is used in the front seat where there is an active front airbag, the vehicles handbook must be consulted to see what is stated about children in seats with frontal airbags. This can vary from car to car. It is strongly recommend that the manufacturer's advice should be followed because airbags are powerful safety devices that must be treated with respect. Children, and adults for that matter, should not sit close to an active frontal airbag. It is suggested by the UK Department for Transport that the car seat should be as far back as possible from an airbag.

5 TYRES

- 5.1 The minimum tyre tread allowed on a vehicle will be 2mm in the interests of public safety. The limit is set to ensure that the Highway Code legal limit is not breached during the 6-month period between licensed vehicle inspections.
- 5.2 Tyres must conform to the current EC or BS Standard for tyres.
- 5.3 The manufacturer's original design of equipment for dealing with punctured tyres must be kept on the vehicle and/or be maintained in a usable condition; (this type of equipment includes space saver wheels, run-flat tyres and tyre-filling foam kits plus pump or compressor).

6 SEAT BELTS

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

7 PASSENGER CAPACITY

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

8 FIRE EXTINGUISHERS

- 8.1 All vehicles shall carry as a minimum a working 1kg drypowder multi-purpose extinguisher or a working 2 litre AFF foam extinguisher to conform to BSEN 3, showing the appropriate kite mark. The extinguisher should be suitably fixed in the boot of the vehicle.
- 8.2 All vehicles owners are encouraged to check that the extinguisher that they carry conforms with their insurance policy requirement.
- 8.3 Applicants/licence holders are required to ensure that the fire extinguishers have been checked in accordance with the manufacturers' recommended testing frequency, by a registered competent company. Proof of this should be retained for inspection. The date of the test and the vehicle registration number should be detailed (using permanent ink) on a sticker attached to the extinguisher.

9 FIRST AID KIT

- 9.1 A fully-stocked ~~British Safety Standards~~ first aid kit **which conforms to BS 8599-2:2019s shall be available within the licensed vehicle at all times.**

10 VENTILATION

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

11 LUGGAGE

- 11.1 Adequate storage must be available for passenger luggage, separated from the passenger compartment without obstructing any emergency exits. Luggage carried must be suitably secured in place.

12 MAINTENANCE AND CONDITION OF THE VEHICLE

- 12.1 The interior and exterior of the vehicle shall be maintained in a clean, safe and proper manner to the reasonable satisfaction of the Council. In particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have a highly maintained standard of paintwork equivalent to that applied by the manufacturer. The interior shall be free of all stains, splits, tears to the same and the seats shall be required to function in accordance with the original manufacturer's specification.

- 12.2 Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

13 MODIFICATIONS

At any time while the licence is in force, no material alteration or change in the specification, design, condition or appearance of the vehicle may be made without first contacting the Licensing Team; and any change must comply with road traffic and insurance legislation.

14 LICENCE PLATES AND DOOR STICKERS

- 14.1 At all times the vehicle is being used as a hackney carriage or private hire vehicle the Council's appropriate Vehicle Licence Plate shall be securely fixed to the rear of the vehicle.
- 14.2 An exception may be made in the case of a Private Hire Limousines/Executive Hire Vehicle. Any exemption from **would require approval at a meeting** of the Licensing and Appeals Committee.
- 14.2 The number of persons which the vehicle is licensed to be carried, shall be displayed on the Vehicle Licence Plate; (for this purposes children are counted as one person).
- 14.3 At all times the vehicle is being used as either a hackney carriage or private hire vehicle there shall be displayed at the top left hand area of the windscreen, the Council's small licence disc/sticker which identifies the vehicle as either a private hire vehicle or hackney carriage vehicle. On this disc/sticker will be displayed the licence number of the vehicle, the maximum number of passengers permitted to be carried, the licence expiry date, the vehicle type/make (including the colour) and the registration number.
- 14.5 Provided that express written consent has been granted from the Council, limousines and other professionally chauffeured vehicles may, in certain circumstances, be permitted an exemption from displaying the external vehicle licence plate. However the other requirements must be complied with.
- 14.6 Where Committee approval of an exemption from signage and/or licence plate has been granted, subject to the requirements above, the vehicle licence plate must be carried within the vehicle at all times and shown to an authorised officer of the Council or Police Officer upon request.

15 SIGNAGE

15.1 Hackney Carriage Vehicle (Taxi) Markings

- 15.1.1 Hackney carriage vehicles, other than minibuses, transits, people carrier type vehicles and those with built-in roof signs, must be fitted with an illuminated external sign on and above the roof of the vehicle showing the word "TAXI" on the side facing the front and the name of the company, or its telephone number, or "TAXI", or any combination of the three on the side facing towards the rear of the vehicle.

- 15.1.2 The roof sign and lettering shall be of an appropriate size to enable it to be read clearly from a distance of 14 metres.
- 15.1.3 The roof sign must be centrally mounted on the vehicle roof and be adequately secured either directly to the roof by suitable magnets or mounted on a single roof bar and secured by bolts, straps, or clamps. Suction fittings alone are not considered suitable without additional means of fixing. The roof sign must remain on the vehicle at all times it is licensed, and must not be removed even when the hackney carriage is being used for private hire journeys in another district.
- 15.1.4 On purpose built vehicles, with built-in roof signs, the roof light must be extinguished when the fare meter is in use.
- 15.1.5 Minibuses, transits and people carrier type vehicles which are not fitted with an appropriate roof sign, as indicated above, shall have the word "Taxi" in letters of between 25cm and 30 cm in height displayed on the front and rear of the vehicles so that they can be clearly identified as a hackney carriage vehicle.
- 15.1.6 Self-adhesive door signs, displaying the Council's Logo and the hackney carriage vehicle licence number must be displayed on both front doors of the vehicle at all times the vehicle remains licensed. For Hackney Carriages (Taxis) these signs are mainly yellow in colour.
- 15.1.7 These door signs should not be tampered with in any way and must not be removed or covered over whilst the vehicle is licensed by the Council. Where the signs are damaged by tampering, or have been removed by persons unknown, the Driver will be responsible for purchasing new signs from the Council within 2 days.
- 15.1.8 If the vehicle is used for private hire in another district the Derbyshire Dales District Council door signs must not be covered over by any company advertising material of a private hire company in that district. Private Hire Company advertising must be restricted to a company sign and can be fixed temporarily to the back doors of the vehicle.

15.2 **Private Hire Vehicle (PHV) Markings**

- 15.2.1 The self-adhesive door signs displaying the Council's Logo and the PHV licence number must be displayed on the front doors of the vehicle at all times. (These are mainly green in colour and indicate "ADVANCED BOOKINGS ONLY").
- 15.2.2 These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has a current vehicle licence plate affixed.
- 15.2.3 A Private Hire Vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage Vehicle.
- 15.2.4 It is not permitted for any advertising or signage on the vehicle to include the words "taxi", "cab", "hackney carriage" or "hire".
- 15.2.5 No alternative words or spellings may be used on the vehicle; such as "Kab", which would have the effect of leading the public to believe that a vehicle is a hackney carriage and available for hire without pre-booking. The Council's decision as to the interpretation of such words shall be final.

15.3 **Smoking Signage**

15.3.1 All smoking signage must comply with the section on Smoking and the Law.

- 'No-Smoking' Signs must be displayed in each compartment of the licensed vehicle. For saloons, estates and hatchbacks this will be in the front and back; and for MPV's, Transporters etc in the front, middle and back.
- All signs must be visible from the outside and be clearly visible by any passenger you are transporting.

16 **COMMERCIAL ADVERTISING ETC**

16.1 Any commercial advertising on the vehicle must be restricted to the name, logo or insignia, telephone number, free-phone number, fax number, E-mail address or Web site of the owner or operator of the vehicle. Advertising of other businesses or products or services is not permitted and no art works, slogans or other displays of any kind are permitted.

16.2 No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.

16.3 Advertising, in line with the requirements as detailed above may be displayed on a vehicle subject to the following conditions:

16.3.1 **Hackney Carriages**

- I. For saloons and estate cars the lettering of all advertising/graphics etc must be a maximum height of 7.5 cm and may be displayed in the rear window; and/or
- II. Additional advertising may be placed on the **rear doors only** of the vehicle. The lettering of all advertising/graphics etc must be a maximum height of 12.5cm.
- III. No signage, with the exception of that detailed in paragraphs 15.1.2, 15.1.6 and 15.2.1 of this Policy, shall be fixed to the driver and front passenger door panels of any vehicle.

16.3.2 **Private Hire Vehicles**

- I. For saloons and estate cars the lettering of all advertising/graphics etc must not exceed a height of 7.5 cm and may be displayed in the rear-window, provided that the driver's view is not obscured and/or
- II. Additional advertising may be displayed on the rear doors only of the vehicle. The lettering of all advertising/graphics etc must not exceed a height of 12.5cm.
- III. For minibuses, transits and similar people carrier type vehicles, the lettering of all advertising/graphics etc must not exceed a height of 25cm and must be confined to the rear doors.
- IV. No signage, with the exception of that detailed in paragraphs 15.1.6 and 15.2.1 of this Policy shall be fixed to the driver and front passenger door panels of any vehicle.

17 COMMUNICATIONS DEVICES

- 17.1 All two-way radio equipment must be of a type currently approved by Ofcom (Office of Communications).
- 17.2 All radio equipment fitted to the vehicle must be fitted securely and safely and in accordance with current guidelines published by Ofcom.
- 17.3 Only one two-way radio with a single operator frequency may be operational in the vehicle at any one time and this shall be an approved radio used exclusively for the hackney carriage/private hire trade and licensed with an effective radio power (ERP) not exceeding 25 watts.
- 17.4 The use of a Citizen Band (CB) transmitter or receiver is prohibited.

18 METERS

18.1 Hackney carriages

- 18.1.1 A taximeter must be fitted and must be correctly calibrated, sealed and fully functional in accordance with the Council's current approved table of Maximum Fares. The meter must be fixed at the front of the vehicle where it can be easily read by all passengers.
- 18.1.2 The taximeter and any fittings shall be fixed to the vehicle with seals or other appliances, so it is not possible to tamper with the device, without that tampering being evident.
- 18.1.3 If the meter seal is broken then the operator or driver must report this to the Council within 72 hours; and make an appointment to have the meter re-sealed at the Council's testing depot. A fee will be charged for re-sealing/testing. The vehicle must not be used to carry passengers until the meter has been re-sealed. Any proprietor/driver of a vehicle who continues to operate with a broken meter seal, shall be reported to a meeting of the Council's Licensing and Appeals Committee.
- 18.1.4 The taximeter shall be positioned so that all letters and figures are plainly visible to any person travelling in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is taking place during the hours of darkness, as defined between half an hour after sunset and half an hour before sunrise; and at any time the hirer (customer) requests it.
- 18.1.5 When the meter is in operation, the fare shall be recorded on the face of the meter in clearly legible figures and shall not exceed the maximum fare that may be charged for a journey.
- 18.1.6 If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall immediately report the alteration to the Authorised Officer so that arrangements for re-setting and resealing may be made.
- 18.1.7 An official copy of the Council's Table of Maximum Fares shall be clearly displayed in the vehicle so as to be plainly visible to passengers both inside and outside the licensed vehicle.
- 18.1.8 The Driver shall switch the meter on when the journey starts, and the fare demanded at the end of the journey shall not be more than that shown on the maximum table of fares fixed by this Council in connection with the hire of hackney carriages.

18.1.9 In the event of such a journey commencing in, but ending outside, the Derbyshire Dales district there may be a charge for the journey that was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by this Council in connection with the hire of hackney carriages.

18.2 Private Hire Vehicle

18.2.1 Private Hire Vehicles may be fitted with a taximeter, but are not required to have one fitted by law.

18.2.2 Any taximeter fitted to a private hire vehicle must comply with the conditions and requirements set out at 18.1 above, which apply to meters fitted in hackney carriage vehicles.

18.2.3 Where the proprietor of a Private Hire Vehicle chooses to have a meter fitted, the Council's current Maximum Fare Chart shall be clearly displayed in the vehicle so it can be read by all passengers travelling in the vehicle.

18.2.4 Alternatively a notice can be displayed that indicates that the hire charges for the vehicle are not prescribed by the Council but are a matter of negotiation with the hirer.

19 TRAILERS AND TOP BOXES

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

- Trailers can only be used in connection with private hire vehicle bookings and cannot be used for plying for hire on a rank;
- The trailer must at all times comply with all requirements of road traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;
- The vehicle insurance must include cover for towing a trailer;
- Trailers must not be left unattended anywhere on the highway;
- A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use;
- Trailers must have been manufactured by a recognised manufacturer and not have been structurally altered since manufacture;
- Un-braked trailers shall not exceed 750 KGs gross weight;
- Trailers over 750 KGs gross weight shall be braked, acting on at least two roads wheels.
- The maximum permissible length of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres;
- The maximum length for braked twin axle trailers is 5.54 metres;
- All trailers are subject to testing and must be presented for testing twice per year;
- All trailers must have lights and braking lights;
- The fee for testing a trailer must be paid prior to the test.

19.2 Top boxes can only be used by Private Hire Vehicles. They must also be tested to a standard that is agreed by the Council.

20 DISABILITY ACCESS

- 20.1 Where a vehicle is used for the carriage of passengers in a wheelchair, the following conditions shall apply:
- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
 - Wheelchair internal anchorage must be of the manufacturer of the apparatus's design and construction and secured in such a position as not to obstruct any emergency exit;
 - A suitable restraint must be available for the occupant of a wheelchair;
 - Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper;
 - Ramps and lifts must be securely stored in the vehicle before it may move off.
- 20.2 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.
- 20.3 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.
- 20.4 Subject to the provisions of section 15 above, a sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided that the vehicle has been manufactured or properly adapted for that purpose.
- 20.5 Equality Act 2010 – in accordance with section 167 of the Act the Council will maintain a list of taxi and private hire vehicles designated as wheelchair accessible.

21 VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)

21.1 Specific Conditions

- 21.1.1 Installations/conversions must be carried out by an approved dealer.
- 21.1.2 A certificate certifying that the LPG System has been installed, examined and tested must be obtained from the approved installer, and presented with every new and renewal licence application.
- 21.1.3 A follow up inspection must be carried out in accordance with the certificate obtained and a new certificate obtained and provided to the Council within 7 days of expiry of the original test certificate.
- 21.1.4 A fully serviceable fire extinguisher and fire blanket must be carried inside the vehicle, fitted in such a position to be readily available for use. The fire extinguisher must be a capacity of not less than 2.0Kg foam.
- 21.1.5 The installation of an LPG tank or spare wheel must not reduce the minimum luggage capacity of 0.31cu.m /11 cu.ft.min.

- 21.1.6 A “No Smoking” sticker must be displayed inside the vehicle.
- 21.1.7 A disc/sticker must be displayed on the front windscreen of the vehicle indicating that the vehicle operates on dual fuel petrol/LPG.

22 TINTED WINDOWS

- 22.1 The front side windows and windscreen of any vehicle shall comply with the current Construction and Use Regulations with regard to the level of tint. A minimum visible light transmission value (VLT) of 70% shall be maintained in the front side windows of the vehicle and the windscreen shall have a minimum visible light transmission value (VLT) of 75%. Except for stretched limousines (see Appendix B paragraph 2.3) the remaining windows may have a minimum VLT of 50%. No self-adhesive material (tinted or clear) shall be fixed to any part of the glass.

23 INSURANCE

- 23.1 There shall be a policy of insurance or such security as complies with the requirements of Part IV of the Road Traffic Act 1972 during the currency of the vehicle licence. A valid copy must be with the Council at all times. Failure to produce a valid insurance document before the expiry of the previous certificate will result in the vehicle licence being suspended.

24 CHANGES

- 24.1 Any change affecting this vehicle licence must be notified within **10 days** of such change, to the Licensing Team; (with the exception of accident reporting, explained below).
- 24.2 When the holder of a vehicle licence wishes to transfer the licence to another person, an application must be made, in writing. Failure to do so is likely to result in refusal to renew the licence.

25 INSPECTION

- 25.1 The vehicle licence must be available for inspection at all times on request by any authorised officer of the Council or any Police Officer.

26 UNAUTHORISED USE

- 26.1 The proprietor of a private hire vehicle or hackney carriage shall not allow the vehicle to be driven or used by any person who does not hold a current private hire vehicle or combined driver’s licence, as appropriate, issued by Derbyshire Dales District Council.

27 ACCIDENT REPORTING

- 27.1 If any licensed vehicle is involved in an accident, this must be reported to the Authorised Officer, in writing, as soon as possible, but in any event **within 72 hours** (3 days) of the incident.
- 27.2 Where, following an incident resulting in accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner’s or operator’s expense) to determine its fitness for continued use. The Council may suspend the use of a licensed vehicle until it is suitably repaired to the Council’s satisfaction.

- 27.3 A licensed vehicle, which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:
- The damage to, or defect in, the vehicle has been reported;
 - Application is made in the usual way for a change of vehicle (albeit temporarily);
 - The replacement vehicle meets the Council's licensing criteria and is suitable to be used for hire purposes;
 - The hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.
 - The fee for testing the vehicle is paid, (at the time the appointment is booked).

28 MISCELLANEOUS

- 28.1 The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose whatsoever.

29 INTENDED USE (HACKNEY CARRIAGE VEHICLES ONLY)

- 29.1 The Hackney Carriage Vehicle shall be used for plying for hire within the Derbyshire Dales District. If carrying out pre-booked work, the vehicle shall be used predominantly to carry out bookings where the journey is wholly or partly within the District.

30 DISPENSATION/VARIATION

- 29.1 The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out in this Policy.

31 PENALTY POINTS SCHEME

Any breach of the requirements detailed in Appendix A of this Policy will result in penalty points being applied to the driver/proprietor of the vehicle in accordance with the Breaches of Conditions and Convictions Scheme detailed in Appendix F of this Policy.

APPENDIX B

ADDITIONAL CONDITIONS FOR PRIVATE HIRE VEHICLE LIMOUSINES

Stretched limousines and similar vehicles shall comply with the existing conditions of licence applicable to all licensed private hire vehicles (Appendix A of this Policy) in so far as they are not superseded by these additional conditions and the local private hire vehicle licence fee shall be the same.

1 TYPES OF VEHICLES

1.1 The vehicle must have one of the following:

- A UK Single Vehicle Approval Certificate;
- A European Whole Vehicle Approval Certificate;
- UK Low Volume Type Approval Certificate;
- Limousine Declaration of Condition of Use.

2 VEHICLE AND SAFETY EQUIPMENT

2.1 The proprietor of a vehicle shall :

- Provide one efficient fire extinguisher in addition to the extinguisher required to comply with the standard Vehicle Conditions of Licence applicable to all licensed private hire vehicles. One fire extinguisher should be mounted on brackets, in a convenient position in the driver's compartment, if practical. The other should be similarly mounted within the boot of the vehicle, so as to be readily available at all times;
- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor vehicles (Construction and Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance have been remedied.
- Ensure that loose luggage is not carried within the passenger compartment of the vehicle;
- Ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council; and must comply with the Information Commissioner's CCTV Code of Practice.
<https://ico.org.uk/for-organisations/guide-to-data-protection/cctv>
- Display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.

2.2 Vehicles may be left or right hand drive providing that they have proof of full Department of Transport vehicle type approval.

2.3 The passenger compartment of the vehicle may be fitted with tinted glass to the vehicle specification.

- 2.4 Vehicles must be supplied with a safety hammer, capable of being used to break the glass of the vehicle, which is securely located in the driver's compartment.
- 2.5 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.
- 2.6 The use of fog machines, lasers, fibre optics, disco balls and Jacuzzis should comply with relevant Health and Safety regulations and should not be used in a manner which is likely to distract the private hire vehicle driver or other road users.
- 2.7 Where strobe lights are to be used, those hiring the vehicle should be verbally notified in advance and the person making the booking notified, both verbally and in writing. Strobe lighting should not be used/be turned off if so requested. Use should comply with relevant Health and Safety regulations and should not be used in a manner, which is likely to distract the private hire vehicle driver or other road users.

3 USE OF VEHICLE

- 3.1 The vehicle shall not be used for every day Private Hire Vehicle use.
- 3.2 The proprietor of the vehicle shall:-
- Ensure that the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by Derbyshire Dales District Council;
 - Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
 - Not convey any passengers in the front compartment of the vehicle;
 - Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence under the Licensing Act 2003, permitting the sale or supply of the same;
 - Provide sufficient means by which any person in the private hire vehicle may communicate with the driver during the course of hiring;
 - Cause the interior of the vehicle to be kept wind and watertight;
 - Provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
 - Provide at least two doors for the use of persons conveyed in such private hire vehicle and separate means of ingress and egress for the driver;
 - Cause the seats in the passenger compartment to be properly cushioned and covered; and
 - Seat belts must be provided;
 - Cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering.

3.3 Where occupants in the vehicle are under the age of 16, a responsible adult other than the driver must accompany them.

4 VEHICLE IDENTIFICATION DISCS

4.1 The private hire vehicle limousine vehicles will not be required to display on the rear, of the vehicle the external private hire vehicle licence plate which must normally be displayed by licensed private hire vehicles. The proprietor of the vehicle will be issued, by the Council, with a licence disc/sticker and the external private hire vehicle licence plate, which identify the vehicle as a private hire vehicle on which will be displayed the registration number of the vehicle and the number of passengers permitted to be carried (Known as Private Hire Limousine Vehicle Disc). The proprietor shall ensure that:-

- The Private Hire Limousine Vehicle Disc must be displayed on the top left-hand corner of the front windscreen in a conspicuous position where it can be clearly seen from the outside of the vehicle and all wording and lettering contained thereon read.
- The external private hire vehicle licence plate shall be fixed inside the vehicle in such a position as to be clearly visible to persons conveyed therein and either an authorised officer of the Council or a Police Officer;
- No Private Hire Limousine Vehicle Disc/Plate shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle disc/plate shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle disc/plate and licence to the Council within seven days.

5 SIGNS, NOTICES, ETC

5.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council. Failure to obtain such express consent may render the vehicle's licence liable to immediate suspension.

5.2 No media shall be supplied that, given its age classification or content is unsuitable for the age of passengers in the vehicle.

6 INSURANCE/MOT TEST CERTIFICATE

6.1 The vehicle must not be used to carry passengers for private hire special events unless there is in force for the vehicle:

- A current MOT Certificate;
- A policy of insurance covering the use of the vehicle for private hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed Private Hire Limousine Vehicle Drivers who drive the vehicle are covered.
- These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

6.2 The proprietor shall deposit a valid and current copy of the Certificate of Compliance Test Certificate and Certificate of Insurance or cover note with the Operator before the vehicle is used to accept bookings provided by the Operator.

6.3 If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Authorised Officer shall be informed immediately and the vehicle shall not be used until appropriate cover is obtained.

7 DEPOSIT OF LICENCES

7.1 If the proprietor permits or employs any other person to drive his Private Hire Vehicle Limousine, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Private Hire Vehicle Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.

7.2 The proprietor of the vehicle will deposit within five working days, a copy of the Private Hire Limousine Vehicle licence with the Operator before any bookings are accepted.

7.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

8 VEHICLE TESTING

8.1 A Private Hire Vehicle Limousine will be subject to twice-yearly mechanical examination at intervals to be specified by the Council, at its authorised testing station.

9 GENERAL CONDITIONS

9.1 All Operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.

9.2 The Licensee must produce a copy of the SVA (Single Vehicle Approval) certificate at time of licensing.

9.3 PENALTY POINTS SCHEME

Any breach of the requirements detailed in Appendix A of this Policy will result in penalty points being applied to the driver/proprietor of the vehicle in accordance with the Breaches of Conditions and Convictions Scheme detailed in Appendix F of this Policy.

APPENDIX C

VEHICLE LICENCES: APPLICATION PROCEDURE – Hackney Carriage (Taxi) and Private Hire Vehicle

The following processes/procedures explain how to licence a Hackney Carriage (Taxi) or Private Hire Vehicle and how to apply for renewal of a licence.

You must first decide whether the vehicle that you are going to drive is to be a Hackney Carriage (Taxi) or a Private Hire Vehicle (pre-booked journeys only). These licences are issued under Acts of Parliament called the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (for Hackney Carriages), and are referred to as a vehicle licence.

The vehicle must comply with the Council's vehicle specification (see Appendix A) and undergo tests and checks so that the Council can determine your application fairly and consistently.

The following checks/testing will apply:

Vehicle testing, Vehicle registration documents, Insurance certificate, ~~MOT certificate~~, **On-line MOT check** Age of Vehicle. In the case of used vehicles being licensed a check will be required to ensure that the vehicle has not previously been 'written-off'.

Vehicle Licence Application Procedure

(The Application process is similar for new licences, renewals, replacement vehicle and transfer of a vehicle licence).

Applications for Hackney Carriage and Private Hire Vehicle Licences may be made at any time of the year, and will be issued for 12 months after which it will need to be renewed. To drive a vehicle licensed by Derbyshire Dales District Council the driver must hold a combined hackney carriage/private hire driver's licence issued by the Council.

1. Applications should be made on the District Council's prescribed application forms and submitted with the appropriate fees and the following documentation. The forms are also available on the Council's website.
2. Documentation, which must accompany the application form.
 - **REGISTRATION BOOK** (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s), who will be known as the proprietor(s); if this is not available at the time of application a Bill of Sale (invoice) showing purchase by the driver of the vehicle will be accepted.
 - **INSURANCE CERTIFICATE** (if a cover note, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note), this is also to include Insurer's Policy book and details of Third Party Liability Cover;
 - **MOT CERTIFICATE** (if applicable) will be checked on-line
 - **Evidence that the vehicle has not previously been 'written off' (for used vehicles)**
3. For new vehicles the vehicle's 'Vehicle Registration Document' or a Bill of Sale will be required. (Full Vehicle Registration Documents will be required once issued by DVLA in applicant's name).

4. In every application, the first name and surname and home address shall be given of:
- The person applying for a licence; and
 - Every proprietor or part proprietor of such vehicle; or
 - Any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such vehicle; and
 - Any person who, on applying for a licence, states in such application the name of any person who is not a proprietor or part proprietor of such vehicle or who is not concerned in the keeping, employing or letting to hire of such vehicle.
5. Proprietor Requisition Declaration
- Before a taxi/private hire vehicle licence is granted, information shall be provided as to the ownership of the taxi/private hire vehicle. The form shall be signed by the proprietor or one of the proprietors of the taxi/private hire vehicle.
6. The names that appear in the information provided on ownership will be entered on to the taxi/private hire vehicle licence. Details to be specified will be: the first name(s) and surname and main home address of every person who is a proprietor or part proprietor of the taxi/private hire vehicle in respect of which such licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of any such carriage.
7. Vehicle Testing
- Vehicles must be inspected at the District Council's approved Testing Station before a vehicle licence will be granted; (unless the vehicle is brand new at the time of licensing). Test appointments must be pre-booked by contacting a member of the Licensing Team.
 - A cancellation fee will be charged unless the vehicle owner/licence holder gives at least 24 hours' notice that he/she is unable to attend.
 - Prior to submitting the vehicle for testing the owner must ensure that the vehicle is in good condition, i.e. mechanically sound, bodywork in a satisfactory condition and the engine and full chassis steam cleaned.
 - The owner of a vehicle which fails the Council's inspection will be issued with a vehicle suspension notice and a re-test fee will be applied.
 - There is a two-tier charging system for re-tests:
 - Vehicle FULL Re-test (3 or more items requiring attention);
 - Vehicle MINOR re-test (2 minor items or fewer requiring attention).
 - When a vehicle passes the inspection a Hackney Carriage or Private Hire Vehicle licence will be issued as soon as possible.

8. To renew your licence you will need to make your application no later than 2 weeks before the expiry date of the licence. Whilst we aim to send a reminder approximately **6-8 weeks** before your licence is due to expire, it is your responsibility to make sure it is renewed on time. Vehicles must be made available for testing prior to the expiry date of the licence.
9. ~~You can make an appointment with a member of the Licensing Team to check~~ You will need to submit your completed and signed application, by email or by post or in person, before the expiry date of the licence. **The application fee can be paid by calling the payment line – 01629 761166.**
10. **On renewal the vehicle must be made available for testing prior to the licence expiring. If you let your vehicle licence expire you will need to begin the process again with a New Application.** This will mean that the vehicle will not be licensed and you will not be able to use the vehicle as a taxi/private hire vehicle until a new licence has been granted.
11. In the event of a vehicle licence not being granted or where the licence holder surrenders the licence prior to the 6-monthly vehicle inspection test date, a refund of the cost of that test may only be applied for, in writing.

APPENDIX D

DRIVER'S LICENCE: APPLICATION PROCEDURE – Combined Hackney Carriage (Taxi) and Private Hire Vehicle

The following processes/procedures explain how to become a licensed Hackney Carriage (Taxi) or Private Hire Vehicle driver and how to renew a licence, once granted.

A driver's licence will normally be granted for a period of 3 years, unless circumstances dictate that a lesser period should be granted.

To become a Hackney Carriage (Taxi) or Private Hire Vehicle driver you will need to get a licence from the Council. These licences are issued under an Act of Parliament called the Local Government (Miscellaneous Provisions) Act 1976, and are referred to as a driver's licence. To obtain a driver's licence the Council must determine whether or not you are a "fit and proper person" under the terms of the Act. This involves a series of tests and checks being carried out with various organisations so that the Council can determine your application fairly and consistently.

The following checks, tests and training will apply:

An enhanced Criminal Record disclosure [Disclosure and Barring Service - DBS], DVLA Check, Medical Examination, Taxi/PHV Driver's Knowledge Test, Right to Work in the UK Check (Immigration Authority), Local Authority Check.

An application for a Driver's Licence will not be considered until the applicant has passed the Council's Driver Knowledge Test.

Driver's Knowledge Test

New applicants will need to pass a written Taxi Driver Knowledge Test before a licence can be granted.

The knowledge test is designed to:

- ensure you know your way around the Derbyshire Dales area;
- test your knowledge and understanding of the Highway Code and DVSA Driving Test Theory;
- test your understanding of the Council's Taxi Licensing Policy, Taxi Licensing Laws, Safeguarding and Equality Issues.

An applicant will be required to achieve an 80% pass mark in each of the 3 sections of the test. Applicants will be permitted to sit the Knowledge Test up to 3 times. If an applicant fails to pass the test after 3 attempts he/she will not be allowed to take a further test within 6 months of the date of the third test.

Knowledge Test fees and cancellation fees (including failing to attend the test) are reviewed annually and will be applied.

Application Procedures

Applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences are not limited and may be made at any time of the year. This is subject to the proviso that the Applicant must have held a full driving licence (which may be a European driving licence) for more than one year. Consequently anyone who has a driving ban will not be able to apply until one year after the ban was lifted. Driving licences from outside the EU will not be accepted.

~~Applications are to be made on the Council's prescribed application form~~ Applications should be made on the District Council's prescribed forms **and you will need to make an appointment to submit the application** and be submitted with the appropriate fees and the following original documentation. The application forms are also available on the Council's website. **Applicants must provide a current email address.**

1. New Applicants will be subject to a Criminal Record Enhanced Check.

Disclosure and Barring Service (DBS) - Enhanced Check:

This involves a search of your individual criminal record to establish whether or not you are a fit and proper person to drive members of the public, some of whom may be vulnerable, elderly, or infirm. The DBS provides a centralised disclosure service that deals with all checks of criminal records for the Council. Please refer to Appendix F of the policy relating to the relevance of convictions.

2. The applicant will also be subject to a DVLA (Driving Vehicle Licensing Agency) Check:

This is necessary to determine whether or not you are a safe driver and capable of driving a vehicle in the manner expected of a Hackney Carriage (Taxi) or Private Hire Vehicle driver. It is also used to confirm an applicant's driving history and that the applicant has held a full driving licence for a period of at least 12 months.

The check will be carried out on first application and annually throughout the duration of the licence. **The check is free of charge but the applicant must provide the on-line check code and sign a consent form to allow a member of the licensing team to carry out the check.** ~~The applicant/licence holder will be responsible for the cost of the check. The District Council will charge an administration fee for carrying out the check.~~

3. Local Authority Check

We will check whether you have previously had a licence revoked or suspended by another local authority. You must declare this on the application form.

4. Application Procedures for Foreign Nationals/Overseas Applicants

All applications made by foreign nationals/overseas applicants will need to go through the above process to obtain their licence. To enable the Council to determine whether or not you are a "fit and proper person" under the terms of the above Act. This involves a further series of tests and checks being carried out with various organisations so that the Council can determine your application fairly and consistently.

5. Immigration Act 2016 Requirements

The Home Office has compiled a list of acceptable documents which prove someone has the right to hold a licence in the UK.

An applicant will need to provide either:

- a) Original document(s) from List A, these documents show a permanent right to remain in the UK;
- b) Original documents from List B, these documents show a temporary right to be in the UK.

These must be original documents which will be required to be checked within the applicant's presence. Photocopies; scanned documents and faxes for example are not acceptable.

Proof of a 'right to licence' in the UK must be provided when an application is made in respect of new applicants. In respect of renewal applicants, proof should be provided on every application if they have previously provided documents from List B only. If proof cannot be provided at the time of renewal the Council will allow the application to be made, but no licence will be granted until proof has been provided.

A copy of the relevant page(s) of the documents provided will be retained in a format which cannot subsequently be altered, for example a photocopy or a scanned document. In the case of a passport or other travel document, the following parts must be photocopied or scanned:

- c) The document's front cover and any page containing the holder's personal details.
- d) Any page will be copied that provides details of nationality, his or her photograph, date of birth, signature, date of expiry or biometric details, and any page containing UK Government endorsements indicating that the holder has an entitlement to be in the UK and is entitled to undertake the work in question.

Other documents will be copied in their entirety. Any documents will be kept securely for the duration of the licence and for a further two years after the expiry of the last licence if renewal is not sought.

No presumptions about a person's right to work in the UK will be made based on a person's background, appearance or accent. Each applicant will be required to comply with the Right to Work elements of this policy and provide the necessary documentation.

Failure to comply

An application for the first grant of a driver or operator's licence will not be accepted if the applicant fails to provide evidence of their Right to live and work in the UK.

Any renewal applicant who fails to comply with the requirement to prove their Right to live and work in the UK will be refused a licence.

Reporting of illegal workers to the relevant authorities

If the Council has any concerns that an applicant has been working in the UK illegally then this information will be reported to the Home Office, Border and Immigration Agency and UK Border Agency.

Lists of Documents to establish eligibility to a right to live and work in the UK.

<p>LIST A No restrictions on right to work in the UK. Once you have undertaken the necessary check once, you will not have to repeat the check when you subsequently apply to renew or extend your licence.</p>
<p>A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the UK.</p>
<p>A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area (EEA) country or Switzerland.</p>
<p>A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland</p>
<p>A Permanent Residence card issued by the Home Office to the family member of a national of an European Economic Area country or Switzerland.</p>
<p>A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder, indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.</p>
<p>A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK or has no time limit on their stay in the UK.</p>
<p>A current immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, together with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or previous employer.</p>

<p>List B Restrictions on right to work in the UK. These documents are subject to statutory limitations and a licence may be issued up to the expiry date of the permission to work. You will need to produce the documents to check immigration status/Right to work each time you apply to renew or extend your licence.</p>
<p>A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the persons permanent National Insurance Number and their name issued by a Government agency or previous employer.</p>
<p>A certificate of registration or naturalization as a British citizen, together with an official document giving the persons permanent National Insurance Number and their name issued by a Government agency or a previous employer</p>
<p>A current passport endorsed to show that the holder is allowed to stay in the United Kingdom and is currently allowed to do the type of work in question.</p>
<p>A current Biometric Immigration Document (Biometric Residence Permit), issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.</p>
<p>A current Residence card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office, to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.</p>

<p>A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the United Kingdom, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or previous employer (e.g. P45, P60, National Insurance Card). Documents – documents where there is a restricted time limited of 6 months.</p>
<p>A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland, stating that the holder is permitted to take employment, which is less than 6 months old, together with Verification from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certification of Application.</p>
<p>A Verification issued by the Home Office, Evidence and Enquiry Unit to you which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.</p>

6. Application Appointment

You will need to submit your application by email first. Then you will need to make an appointment with a member of the Licensing Team to submit your application with the appropriate fee, and to have your photograph taken. You will need to bring the completed application form and the following original documentation to your appointment:

- Your completed application form
- **ID docs so DBS check can be undertaken** ~~receipt of application you have made on line~~
- **Completed DVLA Consent form**
- More than one form of identification – must include your DVLA driving licence, birth certificate, and proof of address
- Proof of right to work in the UK as a taxi driver (Immigration Act 2016)
- A satisfactory medical certificate completed by a doctor.

How long will it take to become a Hackney Carriage or Private Hire Vehicle Driver?

The Licensing Team will aim to deal with your application, as quickly as possible but it is reliant on other organisations providing information, so it is difficult to provide a specific timescale. An application cannot be accepted as complete until all these checks have been carried out and the results received. A licence can only be granted if all checks received are satisfactory.

When you become a Hackney Carriage or Private Hire Vehicle Driver

Once you receive your Taxi/private hire vehicle driver's badge you are licensed to drive both a Hackney Carriage and Private Hire Vehicle. The vehicles you can drive under your driver's badge must be licensed by Derbyshire Dales District Council, although the vehicle that you drive does not necessarily have to be owned by you. It is important that you read and fully understand the content of this Policy.

If you are found to breaching any part of the Policy it may result in your licence being suspended or even in some cases revoked. See Appendix F.

In the event of a driver's licence not being granted the licence application fee will be refunded minus reasonable administration costs already incurred by the District Council. No refunds will be given for unexpired portions of licences once granted.

Driver's Renewal Application Procedures

Applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences are not limited and may be made at any time of the year. This is subject to the provisos that the Applicant must have held a full driving licence (which may be a European driving licence) for more than one year.

To renew your licence you will need to make an appointment, which can be done by contacting the Licensing Team.

We will endeavour to send a reminder approximately **12 weeks** before your licence is due to expire (You are reminded that this is a courtesy service only, and that it is ultimately your responsibility for ensuring your licence does not expire).

Should you let your licence expire you will need to begin the process again as a New Applicant. (NB: New applicants have to pass a Driver's Knowledge Test).

- 1. The renewal Applicant will be required to undertake a DBS check every third year, or as required.**

Enhanced Criminal Record Check – Disclosure and Barring Service (DBS):

When you are due or required to undergo a standard DBS check we will email to remind you. Any conviction found on the check, which hasn't been notified to the Council will result in a Hearing before members of the Council's Licensing and Appeals Committee.

The DBS Check involves a search of your individual criminal record to establish whether or not you are a fit and proper person to drive members of the public, some of which may be vulnerable, elderly, or infirm. The DBS provides a centralised disclosure service that deals with all checks of criminal records for the Council.

Please refer to Appendix F of the policy relating to the relevance of convictions.

- 2. At your appointment you will need to bring with you the following documentation and appropriate fee:**

- a. The Council's prescribed application form – fully completed;
- b. A current full driving licence; (plus other forms of identity (see renewal procedure above);
- c. A medical certificate if applicable (required at least every 3rd year);
- d. 2 recent colour photographs;
- e. DVLA Check form – completed;
- f. CRB form – completed (if due for renewal).
- g. Evidence/proof of Right to Work in the UK.

- 3 When your Driver's Licence has been renewed**

Once your renewal has been granted, you are licensed to continue to drive both a Hackney Carriage and a Private Hire Vehicle. The vehicles you can drive under your driver's badge must be licensed by Derbyshire Dales District Council, although the vehicle that you drive does not necessarily have to be owned by you. It is important that you read and fully understand the content of this policy. If you are found to be in breach of any part of the policy it may result in your licence being suspended or even in some cases revoked.

1. Criminal Record Check – Disclosure and Barring Service (DBS):

Applicants will be required to undertake a DBS check as above, **and maintain a subscription to the on-line update service.** In addition to this, the Council will require a police check and/or certificate of good conduct from the relevant embassy. If you are a foreign national/overseas applicant and have also lived in the UK for a substantial period of time the Council may also ask for additional overseas information.

2. Home Office Check (Subject to Home Office guidelines on working within the UK)

In the case of some renewal applications, a check may need to be made for continued compliance with the requirements of the Immigration Act 2016.

APPENDIX E

THE CONSIDERATION OF APPLICATIONS

- 1) When an application is received, a member of the Licensing Team shall process it unless there is information or supporting documentation missing or incomplete. Where the application is incomplete, it shall not be considered until all the missing details or documents are supplied.
- 2) If the officer is satisfied, from the information available, that the applicant is a fit and proper person to hold a hackney carriage and private hire vehicle licence, the application will be granted under delegated powers.
- 3) Successful applicants will be notified in writing and issued with the appropriate licence. They will be issued with a Driver's Licence which shall remain the property of the Council and must be surrendered when the driver ceases employment as a licensed driver. Every driver will be issued with and two badges; one for display on the dashboard of the licensed vehicle, and the other to be worn by the licensed driver.
- 4) Where the Licensing Manager is not satisfied, based on the information before him/her, that the applicant should be granted a driver's licence, the matter must be referred to the Licensing and Appeals Committee. The applicant will be advised of the date, time and venue of the Committee at which the application will be considered.
- 5) At the Committee meeting, the Council members present will receive a report from the Licensing Manager, and shall then hear representations from the applicant. They may ask any questions of the applicant, and/or officer, before deciding whether a licence should be granted. Normally, the applicant will be told of the outcome at the meeting and this will be confirmed in a written Decision Notice within 7 days of the meeting.
- 6) Unsuccessful applicants will be informed of their right to appeal against the decision to the Magistrates' Court within 21 days of receipt of the formal Decision Notice.

APPENDIX F

BREACHES OF CONDITIONS & CONVICTIONS SCHEME

1. Introduction

- 1.1 The Breaches of Licensing Conditions and Convictions Scheme is an administrative system that provides a transparent and proportionate method for the Council to act on breaches of licence conditions and legislation that have been committed by drivers and operators.
- 1.2 The two objectives of the penalty point scheme are to improve the standards, safety and protection of the travelling public and to ensure that drivers are treated fairly and proportionately when they breach licence conditions.
- 1.3 The Council may consider all the past history of convictions whether spent or not.
- 1.4 This scheme sets out the conditions under which the granting of licences to convicted persons may be considered by the relevant Committee of the Council, or for less serious offences and offences that occurred a number of years ago, and where there is no history of repetition, the granting of licences is delegated to specified officers.
- 1.5 This scheme applies to applicants for a new licence or renewal of a licence or for licensed persons convicted during the currency of an existing licence.
- 1.6 The scheme has been developed to ensure consistency and to be transparent and proportionate for licence holders and potential licence holders. The policy also ensures that minor and or old convictions do not unreasonably penalise potential applicants or require licence holders to repeatedly appear before committees for the same conviction.
- 1.7 Where the total number of points issued is under the indicated amount for referral to the Licensing and Appeals Committee, the Council reserves the right to refuse to issue, renew or review an existing licence dependant on the nature of the breach of conditions or conviction.

2 Consideration of Convictions

2.1. Non-Motoring Convictions

- 2.1.1. For the purposes of this scheme convictions will include Simple Cautions and fixed penalty fines for offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals to which this policy applies. See **Schedule 1** to this appendix for details of relevant convictions.
- 2.1.2. The criteria uses 9 points as the maximum number of points an applicant can hold before their application is referred to the Licensing and Appeals Committee to consider whether the applicant is, or continues to be, a fit and proper person to hold a licence. It also specifies the type of offence set out in the tables within schedule 1 of the Convictions Points Scheme in which the matter will be referred to the Licensing and Appeals Committee. In such circumstances it is likely that the Committee may refuse the licence, however the Committee will consider whether refusal, revocation, suspension or no action should be taken where the applicant demonstrates 10 or more points.
- 2.1.3. A decision notice will be given in writing detailing the reason for the Licensing and Appeal Committee's decision and informing the applicant of his/her right to appeal to the Magistrate's Court in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

- 2.1.4. Applications from individuals who are the subject of current criminal investigations and/or are being currently prosecuted for criminal offences will be dealt with on the basis that the person could be convicted of the offence.
- 2.1.5 In deciding whether an applicant is fit and proper the Council may consider any other relevant information provided to it by external agencies. If in those circumstances the applicant would then have 10 or more points the application would be referred to the Licensing and Appeal's Committee in accordance with paragraph 2.1.2.

2.2. Motoring Convictions

- 2.2.1. As points are awarded by the Courts for motoring offences the Council will use those points as a basis for granting or removing licences.
- 2.2.2. Motoring convictions adopt different criteria dependant on the conviction(s) disclosed on the licence. Motoring convictions are broken into two groups:

Minor road traffic offences (see Schedule 2)

Points on licence/other penalty	Action	Delegation
5 or fewer points	Renew or approve licence	Authorised Officer
6 or more points	Referral to -Committee	Licensing & Appeals Sub-Committee
Disqualification	Refuse or revoke Refuse licence for 12 months from the end of disqualification period.*	Authorised Officer

- 2.2.3 A refusal/revocation of an application will be given in writing, detailing the reason for the refusal and informing the applicant of his/her right to appeal against the decision to the magistrates' court in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

Major road traffic offences (see Schedule 3)

Points on licence/other Penalty	Action	Delegation
More than one conviction for a major offence or one major conviction with more than 5 points in total on the licence.	Renew, approve, suspend, refuse or revoke licence.	Licensing & Appeals Sub-Committee
Any disqualification for a major offence	Refuse licence for 12 months from the end of disqualification period.*	Authorised Officer

* If a period of disqualification has been received on a licence, a period of 12 months must have elapsed from the restoration of the DVLA licence and be free from any other motoring conviction before an application is approved or a licence restored.

3 Breaches of Licensing Conditions

- 3.1 Points will also be awarded by the Council for breaches of licensing conditions.
- 3.2 Where there is evidence available of a breach of conditions (to the civil burden of proof i.e. balance of probability test) an Authorised Officer will place penalty points on the licence holder's record to the levels shown in Schedule 4 to this appendix. Where the breaches are more serious these are shown in the table as requiring a referral to Councils Licensing and Appeals Committee as well as receiving points to be recorded against future conduct.
- 3.3 Penalty points will remain on the record for a rolling 36 month period from the time of the decision for the first breach.
- 3.4 Where a licensee accumulates more than 12 penalty points in any 36 month period the matter will be referred to the Council's Licensing and Appeals Committee for the committee to decide whether the driver is a "fit and proper" person. The Committee will determine each case subject to the licensing legislation and any evidence presented.
- 3.5 Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing within 10 working days from the decision to place the points on record. The decision to record points will only be made after discussion with the licence holder as part of the investigation into alleged breaches and dependant on the nature and circumstances of the breach of the licensing conditions or the conviction, the Council reserves the right to review, revoke or suspend the licence in accordance with its policies.
- 3.6 Appeal Process
 - 3.6.1. Licence holders may make representations to the nominated council officer at any stage during the investigation and up to 28 days after the confirmation notice is received.
 - 3.6.2. The Penalty Points Scheme will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
 - 3.6.3. Once points are given the Council will take no further action over the individual issue that has led to the breach of conditions and they will only be cumulatively considered. The Council reserves the right to revisit a decision to issue points where new evidence is presented.

CONVICTION POINTS SCHEME

Points are doubled if a term of imprisonment is served and tripled if the sentence is greater than 2½ years.

The number of points will be doubled if aggravated on the grounds of any of the protected characteristics from the Equality Act 2010, that is a person's age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

* All referrals are to the Licensing and Appeals Committee for a decision.

Table 1 – Dishonesty

DATE SINCE CONVICTION RECEIVED	12 mth (1 Year)	24 mth (2 Years)	36 mth (3 Years)	48 mth (4 Years)	60 mth (5 Years)	72 mth (6 Years)	84 mth (7 Years)	96 mth (8 Years)	108 mth (9 Years)	120 mth (10 Years)
TYPE OF OFFENCE	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
DISHONESTY										
1 Theft	Referral	Referral	Referral	5	4	3	2	1	0	0
2 Theft - Shoplifting	Referral	Referral	Referral	5	4	3	2	1	0	0
3 Theft - Employee	Referral	Referral	Referral	6	5	4	3	2	1	0
4 Theft - From Vehicle	Referral	Referral	Referral	5	4	3	2	1	0	0
5 Burglary & Theft - Dwelling	Referral	Referral	Referral	Referral	8	6	4	2	0	0
6 Burglary & Theft - Non Dwelling	Referral	Referral	Referral	5	4	3	2	1	0	0
7 Burglary - Aggravated	Referral	Referral	Referral	Referral	Referral	Referral	8	6	4	2
8 Fraudulent Use	Referral	Referral	Referral	5	4	3	2	1	0	0
9 Handling	Referral	Referral	Referral	5	4	3	2	1	0	0
10 Receiving	Referral	Referral	Referral	5	4	3	2	1	0	0
11 Forgery	Referral	Referral	Referral	5	4	3	2	1	0	0
12 Conspiracy to Defraud	Referral	Referral	Referral	5	4	3	2	1	0	0
13 Obtain Money by Deception	Referral	Referral	Referral	5	4	3	2	1	0	0
14 Obtain Money by Forged Instrument	Referral	Referral	Referral	5	4	3	2	1	0	0
15 Deception	Referral	Referral	Referral	5	4	3	2	1	0	0
16 False Accounting	Referral	Referral	Referral	5	4	3	2	1	0	0
17 False Statement to Obtain Benefit	Referral	Referral	Referral	5	4	3	2	1	0	0
18 Going Equipped	Referral	Referral	Referral	5	4	3	2	1	0	0
19 Taking/Driving or Attempt to Steal Vehicle	Referral	Referral	Referral	5	4	3	2	1	0	0
20 Allow to be Carried in Stolen Vehicle	Referral	Referral	Referral	5	4	3	2	1	0	0
21 Perverting Course of Justice	Referral	Referral	Referral	Referral	8	6	4	2	0	0
22 Any offence similar to those above to be assessed at closest match.										

Table 2 – Violence

DATE SINCE CONVICTION RECEIVED	12 mth (1 Year)	24 mth (2 Years)	36 mth (3 Years)	48 mth (4 Years)	60 mth (5 Years)	72 mth (6 Years)	84 mth (7 Years)	96 mth (8 Years)	108 mth (9 Years)
TYPE OF OFFENCE	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
VIOLENCE									
1 Common Assault	Referral	Referral	Referral	5	4	3	2	1	0
2 Assault - Section 47	Referral	Referral	Referral	5	4	3	2	1	0
3 Grievous Bodily Harm - Section 20	Referral	Referral	Referral	Referral	Referral	Referral	8	6	4
4 Grievous Bodily Harm - Section 18	Referral	Referral	Referral	Referral	Referral	Referral	Referral	Referral	8
5 Assault Police	Referral	Referral	Referral	6	5	4	3	2	1
6 Affray	Referral	Referral	Referral	5	4	3	2	1	0
7 Riot	Referral	Referral	Referral	Referral	8	6	4	2	0
8 Murder	Referral	Referral	Referral	Referral	Referral	Referral	Referral	Referral	Referral
9 Manslaughter	Referral	Referral	Referral	Referral	Referral	Referral	Referral	Referral	Referral
10 Manslaughter or Culpable Homicide while Driving	Referral	Referral	Referral	Referral	Referral	Referral	Referral	Referral	Referral
11 Using Threatening, Abusive Words or Behaviour	5	4	3	2	1	0	0	0	0
12 Breach of the Peace	3	2	1	0	0	0	0	0	0
13 Drunk and Disorderly	3	2	1	0	0	0	0	0	0
14 Common Assault - Aggravated	Referral	Referral	Referral	6	5	4	3	2	1
15 Obstruction	Referral	Referral	Referral	3	2	1	0	0	0
16 Robbery	Referral	Referral	Referral	Referral	Referral	Referral	Referral	Referral	8
17 Possess Offensive Weapon	Referral	Referral	Referral	5	4	3	2	1	0
18 Possess Firearm	Referral	Referral	Referral	5	4	3	2	1	0
19 Possess Firearm with intent	Referral	Referral	Referral	Referral	Referral	8	6	4	2
20 Criminal Damage	Referral	Referral	Referral	5	4	3	2	1	0
21 Violent Disorder	Referral	Referral	Referral	8	6	4	2	1	0
22 Resist Arrest	Referral	Referral	Referral	8	6	4	2	1	0
23 Arson	Referral	Referral	Referral	Referral	Referral	Referral	Referral	Referral	Referral
24 Any offence similar to those above to be assessed at the closest match									

Table 3 - Drugs

	<u>DATESINCECONVICTIONRECEIVED</u>	12 mth ago	24 mth ago	36 mth ago	48 mth ago	60 mth ago	72 mth ago	84 mth ago	96 mth ago	108 mth ago	120 mth ago
		(1Year)	(2 Years)	(3 Years)	(4 Years)	(5 Years)	(6 Years)	(7 Years)	(8 Years)	(9 Years)	(10 Years)
	<u>TYPEOFFOFFENCE</u>	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
	DRUGS										
1	Possessing Controlled Drug	Refused	Refused	Refused	Refused	8	6	4	2	0	0
2	Possessing Controlled Drug with intent to Supply	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4	2
3	Producing Controlled Drug	Refused	Refused	Refused	Refused	8	6	4	2	0	0
4	Import Drugs	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4	2
5	Any offence similar to those above to be assessed at the closest match.										

Table 4 – Indecency

	<u>DATESINCECONVICTIONRECEIVED</u>	12 mth ago	24 mth ago	36 mth ago	48 mth ago	60 mth ago	72 mth ago	84 mth ago	96 mth ago	108 mth ago	120 mth ago
		(1Year)	(2 Years)	(3 Years)	(4 Years)	(5 Years)	(6 Years)	(7 Years)	(8 Years)	(9 Years)	(10 Years)
	<u>TYPEOFFOFFENCE</u>	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
	INDECENCY										
1	Indecent Exposure	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
2	Indecent Exposure to the Annoyance of Residents	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
3	Indecent Exposure with intent to insult a Female	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
4	Unlawful Sexual Intercourse	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4	2
5	Sexual Assault	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
6	Indecent Assault on a Female	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
7	Indecent Assault on a Child Under 16 yrs	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
8	Living Off Immoral Earnings	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
9	Prostitution	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
10	Possessing or Distributing Obscene Material	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
11	Rape	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
12	Indecent or Nuisance Telephone Calls	Refused	Refused	Refused	Refused	Refused	5	4	3	2	1
13	Any offence similar to those above to be assessed at the closest match.										

Racially aggravated offences under the Crime and Disorder Act 1998 ie:

Assaults

malicious wounding or grievous bodily harm (Section 20 of the Offences Against the Person Act 1861)
 actual bodily harm (Section 47 of the Offences Against the Person Act 1861) common assault.

Criminal Damage

destroying or damaging property belonging to another (Section 1(1) of the Criminal Damage Act 1971)

Harassment

harassment (Section 2 of the Protection from Harassment Act 1997)
 intimidation - putting people in fear of violence (Section 4 of the Protection from Harassment Act 1997)
 racially aggravated harassment (Section 32(1)(a) of the Crime and Disorder Act 1998)

Public Order offences

fear or provocation of violence (Section 4 of the Public Order Act 1986)
 intentional harassment, alarm or distress (Section 4A of the Public Order Act 1986)

Table 5 - Licensing Offences (See next page)

These points will only apply after a successful conviction otherwise the points as shown in Schedule 4 will apply.

TABLE 5

Date since conviction received		12 months (1 year)	24 months (2 years)	36 months (3 years)	48 months (4 years)	60 months (5 years)
Legislation/Section	Type of Offence	POINTS	POINTS	POINTS	POINTS	POINTS
Town Police Clauses Act 1847						
40	Giving false information on application for HC(V) proprietor's licence	5	4	3	2	1
44	Failure to notify change of address of HC(V) proprietor	5	4	3	2	1
45	Plying for hire without HC(V) proprietors licence	5	4	3	2	1
47	Driving a HC(V) without HC drivers' licence	5	4	3	2	1
47	Lending or parting with HC drivers' licence	5	4	3	2	1
47	HC(V) proprietor employing unlicensed driver	5	4	3	2	1
48	Failure of HC(V) proprietor to hold HC drivers' licence	5	4	3	2	1
48	Failure of HC(V) proprietor to produce HC drivers' licence	5	4	3	2	1
52	Failure to display HC(V) plate	5	4	3	2	1
53	Refusal to take a fare	5	4	3	2	1
54	Charging more than the agreed fare	5	4	3	2	1
55	Obtaining more than the legal fare	5	4	3	2	1
56	Travelling less than the lawful distance for the agreed fare	5	4	3	2	1
57	Failing to wait after a deposit to wait has been paid	5	4	3	2	1
58	Charging more than the legal fare	5	4	3	2	1
59	Carrying another person than the hirer without consent	5	4	3	2	1

Date since conviction received		12 months (1 year)	24 months (2 years)	36 months (3 years)	48 months (4 years)	60 months (5 years)
Legislation/Section	Type of Offence	POINTS	POINTS	POINTS	POINTS	POINTS
Town Police Clauses Act 1847						
60	Driving HC(V) without proprietor's consent	5	4	3	2	1
60	Allowing another to drive HC(V) without proprietors' consent	5	4	3	2	1
Local Government Act 1976						
49	Failure to notify transfer of HC(V) proprietors' licence	5	4	3	2	1
50(1)	Failure to present HC(V) for inspection as required	5	4	3	2	1
50(2)	Failure to inform local authority where HC(V) is stored if requested	5	4	3	2	1
50(3)	Failure to report an accident to local authority	5	4	3	2	1
50(4)	Failure to produce HC(V) proprietors' licence and insurance certificate	5	4	3	2	1
53(3)	Failure to produce HC driver's licence	5	4	3	2	1
57	Making false statement or withholding information to obtain HC drivers licence	5	4	3	2	1
58(2)	Failure to return a plate after expiry of notice, revocation or suspension of HC(V) proprietor's licence	5	4	3	2	1
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	5	4	3	2	1

Date since conviction received		12 months (1 year)	24 months (2 years)	36 months (3 years)	48 months (4 years)	60 months (5 years)
Legislation/Section	Type of Offence	POINTS	POINTS	POINTS	POINTS	POINTS
Local Government Act 1976						
64	Permitting any vehicle other than HC(V) to wait on HC stand	5	4	3	2	1
66	Charging more than the meter fare for a journey ending outside the district without prior agreement	5	4	3	2	1
67	Charging more than the meter fare when HC(V) used as private hire vehicle	5	4	3	2	1
69	Unnecessarily prolonging a journey	5	4	3	2	1
71	Interfering with a taximeter	5	4	3	2	1
73(1)(a)	Obstruction of an authorised officer or constable	5	4	3	2	1
73(1)(b)	Failure to comply with requirements of authorised officer or constable	5	4	3	2	1
73(1)(c)	Failure to give information or assistance to authorised officer or constable	5	4	3	2	1
46(1)(a)	Using an unlicensed PH(V)	5	4	3	2	1
46(1)(b)	Driving a PH(V) without a PH driver's licence	5	4	3	2	1
46(1)(c)	Proprietor of a PH(V) using an unlicensed driver	5	4	3	2	1
46(1)(d)	Operating a PH(V) without a PH operator's licence	5	4	3	2	1
46(1)(e)	Operating a PH(V) when the vehicle is not licensed as a PH(V)	5	4	3	2	1

Date since conviction received		12 months (1 year)	24 months (2 years)	36 months (3 years)	48 months (4 years)	60 months (5 years)
Legislation/Section	Type of Offence	POINTS	POINTS	POINTS	POINTS	POINTS
Local Government Act 1976						
46(1)(e)	Operating a PH(V) when the driver is not licensed as a PH driver	5	4	3	2	1
48(6)	Failure to display PH (V) plate	5	4	3	2	1
49	Failure to notify transfer of PH (V) licence	5	4	3	2	1
50(1)	Failure to present vehicle for inspection as required	5	4	3	2	1
50(2)	Failure to inform Local Authority where PH(V) is stored if requested	5	4	3	2	1
50(3)	Failure to report an accident to Local Authority	5	4	3	2	1
50(4)	Failure to provide licence and insurance certificate	5	4	3	2	1
53(3)	Failure to produce PH driver's licence	5	4	3	2	1
54(2)	Failure to wear PH driver's badge	5	4	3	2	1
56(2)	Failure by PH Operator to keep record of bookings	5	4	3	2	1
56(3)	Failure of PH Operator to keep record of vehicles operated by him	5	4	3	2	1
56(4)	Failure to produce PH Operator's Licence on request	5	4	3	2	1
57	Making false statement or withholding information to obtain private hire driver's or operator's licence	5	4	3	2	1

Date since conviction received		12 months (1 year)	24 months (2 years)	36 months (3 years)	48 months (4 years)	60 months (5 years)
Legislation/Section	Type of Offence	POINTS	POINTS	POINTS	POINTS	POINTS
Local Government Act 1976						
58(2)	Failure to return plate after expiry of notice, revocation or suspension of PH(V) licence	5	4	3	2	1
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	5	4	3	2	1
67	Charging more than the meter fare when HC used as PH vehicle	5	4	3	2	1
69	Unnecessarily prolonging a journey	5	4	3	2	1
71	Interfering with a taximeter	5	4	3	2	1
73(1)(a)	Obstructing of authorised officer or constable	5	4	3	2	1
73(1)(b)	Failure to comply with requirement of authorised officer or constable	5	4	3	2	1
73(1)(c)	Failure to give information or assistance to authorised officer or constable	5	4	3	2	1
Transport Act 1980						
64(2)(A)	Driving a PH(V) with a roof sign which contravenes s64(1)	5	4	3	2	1
64(2)(B)	Causing or permitting a PH(V) to be driven with a roof sign which contravenes s64(1)	5	4	3	2	1

Minor Road Traffic Offence

AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours.
AC30	Undefined accident offence
CU10	Using vehicle with defective brakes.
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.
CU30	Using a vehicle with defective tyres.
CU40	Using a vehicle with defective steering.
CU50	Causing or likely to cause danger by reason of load or passengers.
CU60	Undefined failure to comply with Construction and Use Regulations.
CU80	Using a mobile phone while driving a motor vehicle
LC10	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS10	Leaving a vehicle in a dangerous position.
MS20	Unlawful pillion riding.
MS30	Playstreet Offences.
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test.
MS50	Motor racing on the highway.
MS60	Offences not covered by other codes.
MS70	Driving with uncorrected defective eyesight.
MS80	Refusing to submit to an eyesight test.
MS90	Failure to give information as to identity of driver etc.
MW10	Contravention of Special Road Regulations (excluding speed limits).
PC10	Undefined Contravention of Pedestrian Crossing Regulations.
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle.
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle.
PL10	Driving without 'L' plates.
PL20	Not accompanied by a qualified person.
PL30	Carrying a person not qualified.
PL40	Drawing an unauthorised trailer.
PL50	Undefined failure to comply with conditions of a Provisional Licence.
SP10	Exceeding goods vehicle speed limit.
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles).
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit.
SP50	Exceeding speed limit on a motorway.
SP60	Undefined speed limit offence.
TS10	Failing to comply with traffic light signals.
TS20	Failing to comply with double white lines.
TS30	Failing to comply with a 'Stop' sign.
TS40	Failing to comply with direction of a constable or traffic warden.
TS50	Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines).
TS60	Failing to comply with school crossing patrol sign.
TS70	Undefined failure to comply with a traffic direction or sign.
TS99	To signify a disqualification under 'totting up' procedure. If the total of penalty points reaches 12 or more within 3 years the driver is liable to be disqualified.

- CD10 Driving without due care and attention.
- CD20 Driving without reasonable consideration for other road users.
- CD30 Driving without due care and attention or without reasonable consideration for other road users.
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death through careless driving with alcohol level above the legal limit
- CD60 Causing death through careless driving then failing to supply a specimen for analysis
- CD70 Causing death through careless or inconsiderate driving
- CD80 Causing death by driving: unlicensed, disqualified or uninsured drivers.
- IN10 Using a vehicle uninsured against third party risks.
- BA10 Driving while disqualified by order of Court.
- BA20 Driving while disqualified as under age.
- BA30 Attempting to drive while disqualified by the court.

An application received which details one of the following offences on the DVLA licence (DD30, DD60, and DD70) will automatically be refused or a current licence suspended or revoked. Other offences covered in this section will be treated under the dishonesty/violence category as detailed in the Criminal Convictions section.

Offences covered under this section include -

- DD30 Reckless driving.
- DD60 Manslaughter or culpable homicide while driving a vehicle.(see under violence)
- DD70 Causing death by reckless driving.
- UT10 Taking or driving away a vehicle without consent or an attempt thereof (see under dishonesty).
- UT20 Stealing or attempting to steal a vehicle (see under dishonesty).
- UT30 Going equipped for stealing or taking a vehicle (see under dishonesty).
- UT40 Taking or attempting to take a vehicle without consent, driving or attempting to drive a vehicle knowing it to have been taken without consent, allowing oneself to be carried in or on a vehicle knowing it to have been taken without consent (see under dishonesty).
- UT50 Aggravated taking of a vehicle

(c) Drive a Motor Vehicle under the influence of drink or drugs

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An application with one conviction on the DVLA licence under this category will be accepted providing a 12 month's period has elapsed since the restoration of his DVLA licence. More than one conviction of this type and the application will be refused.

Offences covered under this section include -

- DR10 Driving or attempting to drive with alcohol level above limit.
- DR20 Driving or attempting to drive while unfit through drink or drugs.
- DR30 Driving or attempting to drive then refusing to supply a specimen for analysis.
- DR40 In charge of a vehicle while alcohol level above limit.
- DR50 In charge of a vehicle while unfit through drink or drugs.
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive.
- DR70 In charge of a vehicle when unfit through drink or drugs.

Breaches of Licensing Conditions/Policy/legal requirements/Code of Conduct not subject to prosecution

The Council reserves the right to issue points for matters that are covered by legislation or any Council conditions or Policies relating to hackney Carriages where Officers are satisfied that there is evidence of the breach. The Council will also use the enforcement policy to decide whether to award points or to prosecute a driver or operator where there is an offence. The Council will, where appropriate, also pass evidence to other relevant enforcement authorities.

Offence/ Breach of Condition	Points Applicable	Points applied to:	
		Driver	Person responsible for the vehicle condition*
Providing false or misleading information on licence application form/failing to provide relevant information or relevant fee	6	✓	✓
Failure to notify, in writing, a change of address within 10 working days	3	✓	✓
Refusal to accept hiring without reasonable cause	10	✓	
Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓	
Plying for hire by private hire drivers	12	✓	✓
Using unlicensed vehicle or vehicle without insurance	12 + Committee		✓
Failure to produce relevant documents within timescale when requested by an Authorised Officer	4	✓	✓
Failure to provide proof of insurance cover when requested	6	✓	
Failure to produce hackney carriage or private hire vehicle for testing when required	4		✓
Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer	12 + Committee	✓	✓
Failure to maintain a vehicle in a safe mechanical and structural condition (VOSA classes I or D).	6		✓
Using a vehicle for which the licence has been suspended or revoked	12 + Committee	✓	✓

Failure to notify an accident or damage to a licensed vehicle within 72 hours (3 days) of the occurrence if the damage would materially affect the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.	4	✓	✓
Carrying more passengers than stated on the licence	6	✓	
Failure to display external/internal licence plate or signs as required	4		✓
Failure to notify transfer of private hire or hackney carriage vehicle licence within 14 days of sale	4		✓
Displaying signs or advertisements in or on the vehicle that do not meet the requirement of the Policy of Conditions	3		✓
Failure to use a roof light that meets the requirements of the Conditions of Policy	4	✓	
Failure to maintain records in a suitable form of the start and finish of work of each driver each day	4		✓
Failure to produce on request records of drivers work activity	4		✓
Using a meter/taximeter that does not meet the requirements of the Policy or Conditions.	9	✓	✓
Obstruction of an authorised officer or police officer.	12	✓	✓
Displaying any feature on a private hire vehicle that may suggest that it is a taxi	6		✓
Failure to carry an assistance dog without requisite exemption	10	✓	✓
Driver not holding a current DVLA licence	12 +Committee	✓	✓
Failure to wear /display drivers badge	4	✓	
Failure to notify in writing, a change in medical circumstances	6	✓	✓
Failure to comply with Appendix J of the policy regarding dress code	3	✓	
Failure to comply with Section 9 of the policy regarding smoking (page 18)	3	✓	
Failure to comply with Appendix I of the policy regarding driver conduct	6	✓	
Failure to comply with the requirements for rank etiquette	6	✓	
Failure to comply with bye-laws not specifically covered in this schedule	3	✓	

Causing a private hire vehicle to drop off, pick up or park on a marked rank	3	✓	
Failure to maintain proper records of private hire vehicle	3		✓
Failure to keep or produce records of private hire bookings or other documents required to be kept or produced	6		✓
Misleading use of the words 'taxi' or 'cab' on advertising materials	3		✓
Failure to issue receipt on request	4	✓	✓
Failure to notify the Licensing section, in writing , of any motoring or criminal conviction within 10 working days of conviction, caution, motoring offence or fixed penalty during period of current licence	6	✓	✓
Fail to notify the Licensing section at the earliest opportunity and in any case within 24 hours, of being the subject of an investigation for other than a minor motoring offence. Such notification to be in writing.	6	✓	✓
Failure to display Council's Maximum Tariff Fare Card	3	✓	✓
Failure to attend punctually at appointed time and place without sufficient cause	4	✓	✓
Failure to surrender a hackney carriage/private hire drivers licence/badge/plate after suspension, revocation or refusal to renew	4	✓	✓
Operating the horn and/or shouting as a means of signalling that the vehicle has arrived	3	✓	✓
Failure to take lost property to a Police Station /District Council Offices	4	✓	✓
Failure to comply with wheelchair requirements including provision of ramps and straps	4	✓	✓
Using an e-cigarette in a licensed vehicle	3	✓	
Failure to comply with any other conditions	3	✓	✓
Fail to attend CSE training without reasonable excuse.	12+ Committee	✓	
Breach UK immigration laws	12+ Committee	✓	✓

KEY:

- Ticks (✓) indicate potential recipients of penalty points for breaches.

NB: certain breaches may result in one of several persons receiving points depending upon the nature of the infringement; however each case must be determined on its own merits. Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

- The number of points will be doubled if aggravated on the grounds of any of the protected characteristics from the Equality Act 2010, that is a person's age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- (*) - Persons responsible for the vehicle will include the owner of the vehicle, any person hiring the vehicle or person responsible for organising the maintenance of the vehicle if licensed (otherwise the driver). This part does not apply to Private Hire Operators unless the vehicle is under their direct control.

PRINCIPLES OF THE REHABILITATION OF OFFENDERS ACT 1974 (as amended)

1. Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely.
2. The possibility of rehabilitation and the length of time before rehabilitation occurs, depends on the sentence imposed, and not the offence committed.
3. Despite the above, the principles of the Act do not apply to applicants for hackney carriage and private hire vehicle drivers' licences. This is because the driving of taxis is listed as a "Regulated Occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
4. Although the Act does not prevent judicial authorities (inclusive of the Licensing Authority) from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a fit and proper person to hold a licence.
5. The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.
6. The rehabilitation periods to which reference is most commonly made are set out below. For a detailed commentary on the periods of rehabilitation applicable to all sentencing options, reference will need to be made to a specialist textbook on the Act.

Sentence	End of rehabilitation period for adult offenders	End of rehabilitation period for offenders under 18 at date of conviction
A custodial sentence of more than 30 months and up to, or consisting of, 48 months	The end of the period of 7 years beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed
A custodial sentence of more than 6 months and up to, or consisting of, 30 months	The end of the period of 48 months beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed
A custodial sentence of 6 months or less	The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 18 months beginning with the day on which the sentence (including any licence period) is completed
Removal from Her Majesty's service	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed
A sentence of service detention	The end of the period of 12 months beginning with the day on which the sentence is completed	The end of the period of 6 months beginning with the day on which the sentence is completed
A fine	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed
A compensation order	The date on which the payment is made in full	The date on which the payment is made in full
A community or youth rehabilitation order	The end of the period of 12 months beginning with the day provided for by or under the order as the last day on which the order is to have effect	The end of the period of 6 months beginning with the day provided for by or under the order as the last day on which the order is to have effect
A relevant order	The day provided for by or under the order as the last day on which the order is to have effect	The day provided for by or under the order as the last day on which the order is to have effect

(3) Where no provision is made by or under a community or youth rehabilitation order or a relevant order for the last day on which the order is to have effect, the rehabilitation period for the order is to be the period of 24 months beginning with the date of conviction.

(4) There is no rehabilitation period for—

- (a) an order discharging a person absolutely for an offence, or
- (b) any other sentence in respect of a conviction where the sentence is not dealt within the Table or under subsection (3), and, in such cases, references in this Act to any rehabilitation period are to be read as if the period of time were nil.

[Driving endorsements have not changed and the rehabilitation period remains at 5 years]

APPENDIX G

THE TESTING OF APPLICANTS FOR DRIVER'S LICENCE

New Driver Knowledge Tests

1. Introduction

All applicants for a new combined hackney carriage/ private hire vehicle driver's licence will be required to undergo a written test as part of the process of satisfying the Council that they are suitable persons to hold such a licence.

Applicants who have previously been licensed by the District Council but have allowed their licence to lapse will be exempt from the requirement to sit a Knowledge Test, provided that their licence did not lapse more than 12 months before the date of their new application. In exceptional circumstances an authorised officer may extend the 12 month period on application (such circumstances may include the ill health of the applicant).

The Council's Knowledge Test will consist of:

Local Geography

Applicants will be tested on their knowledge of the Derbyshire Dales District Council area's geography. Identifying street names of given premises/locations.

Highway Code

Applicants will be asked to answer a number of questions on driving skills, road information and etiquette as set out in the Highway Code.

The Hackney Carriage and Private Hire Vehicle licensing law and Council Rules and Policy

Applicants will be tested on their knowledge and understanding of the law in respect of Hackney Carriage and Private Hire Vehicle Licensing.

Basic English Test

Applicants will be tested on their English Language Skills; (this will be done through the above testing process). In order to offer an effective service in the Derbyshire Dales it is necessary for all licensed drivers to have an understanding of basic English. For this reason the Knowledge Test is only offered in English.

2. Licensed Driver Test Failure

- 2.1 Applicants who fail to achieve an 80% pass rate in any part of the tests shall be invited to take a different test on another occasion. They shall not be considered fit and proper to hold a licence unless or until they have achieved the required pass rate.
- 2.2 Applicants may take a maximum of 3 tests as part of the initial application. Failure to achieve a pass after 3 attempts will require the applicant to withdraw from the application process for a period of no less than 6 months from the date of the last test. Once the 6-month period has elapsed a new application may be considered.

APPENDIX H

DRIVER'S LICENCE CONDITIONS

CONDUCT OF DRIVER

1. The holder of a taxi/private hire vehicle driver's licence (driver) shall comply with the following conditions, which should be read in conjunction with the Code of Good Conduct; (see Appendix I).
2. The driver shall be respectably dressed and clean and tidy in appearance, in line with the Council's Dress Code; (see Appendix J).
3. The driver shall wear the badge supplied by the Council at all times while working. The driver must also display a second badge (supplied by the Council) at the front of the vehicle so that it is visible to all passengers. (Exceptions to this second requirement will be dealt with on a case-by-case basis). A driver shall not lend either badge to any other person or allow any other person to wear or display it in his/her vehicle.

If the Driver's Licence is no longer required, and/or is allowed to expire, the driver must return both badges to the Council immediately.

4. The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
5. The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view or allow the licence plate to be so defaced as to make any figure or information illegible.
6. The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
7. The driver when hired to drive to a particular destination shall proceed to that destination by the shortest route.
8. The driver shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.
9. The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
10. If in a Private Hire Vehicle the driver must not solicit, by calling out or otherwise importune, any person to hire or be carried for hire, and must not accept an offer for the hire of the vehicle except where that is first communicated to the driver by telephone.
11. The vehicle shall be presented in a clean and tidy condition for each journey.
12. The Private Hire Vehicle must only be driven with the consent of the proprietor of the vehicle.

13. The driver must comply with any hirer's request not to drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the business.
14. The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.
15. The driver shall not operate the horn as a means of signalling that the vehicle has arrived.
16. The driver of Private Hire Vehicle must not cause or permit the vehicle to stand on a road or in a public place as to suggest that it is plying for hire, or use any hackney carriage stand within the area of Derbyshire Dales District Council.
17. Drivers must not use a mobile phone (or similar device) whilst driving except to call 999 (or 112) in a genuine emergency and it is unsafe or impractical to stop.
(Highway Code rule)
18. All drivers must comply with the law relating to Smoking under the Health Act 2006.
19. The drivers shall ensure all vehicles that carry out a journey in another district must return to within the district boundaries of the licensing Council on the termination of that journey, unless they have already received another booked fare for that district.

FITNESS OF DRIVER

20. The driver of a vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council by a Registered Medical Practitioner to the effect that he/she is, or continues to be, physically fit to be a driver of a taxi/private hire vehicle.
21. Whether or not such a Certificate is produced, the driver must, if required by the Council at any time, undergo a medical examination by a Registered Medical Practitioner selected by the Council.
22. The driver must cease driving any vehicle and contact the Council immediately if they know of any medical condition, which may affect their driving ability and the health and safety of themselves and any passengers.

FARES AND JOURNEYS

23. The driver/operator of a Private Hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.
24. The driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid.
25. If the Private Hire Vehicle is fitted with a taximeter, then the driver of a Private Hire vehicle shall:
 - unless the hirer expresses at the commencement of the journey his desire to engage by time, bring the meter into operation at the commencement of the journey; and

- bring the machinery of the taxi meter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter before beginning a journey for which a fare is charged for distance and time, and keep the machinery of the taximeter in action until the termination of the hiring;
 - when waiting for hire, keep the key, flag or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter;
 - cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer;
 - not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter.
26. In the event of a journey commencing in but ending outside the Derbyshire Dales District Council area there may be charged, for the journey, such fare or rate if any as was agreed before the hiring was affected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of Hackney Carriages.

DUTIES OF LICENCE HOLDER

27. Any change affecting this licence must be notified to the Licensing Team, within writing, as soon as possible and in any event within **10 days** of the change.
28. The hackney taxi/private hire vehicle driver's licence must be made available for inspection, on request, by any authorised officer of the Council or any Police Officer.
29. A driver of a private hire vehicle must notify the Council, as soon as possible and in any event within **10 days** of starting or terminating employment, as to the name and address of the Private Hire Operator concerned, and the date when the employment either started or ended.
30. The taxi/private hire vehicle driver's licence must be presented to the private hire operator/proprietor concerned, at the start of his/her employment.
31. All licences, badges and plates issued remain the property of the Council at all times. They must be returned when employment as a licensed driver ceases, the licence expires or is not renewed; or where the Licence is suspended or revoked by the Council.
32. The driver must notify the Council, as soon as possible and in any event within **10 days**, of any change of address. A new licence will be issued. The fee for a replacement licence will be charged.
33. The driver must notify the Council, in writing, as soon as possible and in any event within a period of **10 days**, of any conviction for an offence, or of any receipt of a fixed penalty, imposed on him/her whilst the licence is in force.

LOST PROPERTY

34. A driver of a taxi/private hire vehicle shall immediately, when a hiring ends, or as soon as is possible, carefully search the vehicle for any property which may have been accidentally left by customers. Every attempt should be made to contact the hirer. If this is not possible the driver should report this to Derbyshire Dales District Council's Licensing Team and take the item to the nearest Police Station, or the Council's Licensing Office, within **72 hours**. It should be left with an authorised officer and a signed and dated receipt should be provided to the licensed driver.

ACCIDENT REPORTING

35. A Proprietor or Driver of a vehicle shall report to the Council as soon as is reasonably practicable (and no later than **72 hours** after) of the occurrence of any accident to a vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle. A form for this purpose can be requested and is also available on the Council's website.

THE CARRIAGE OF ANIMALS

36. A licensed driver must not carry any animal, which belongs to, or is being looked after by, themselves, the owner or operator of the vehicle while it is being used as a Private Hire vehicle.
37. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
38. A driver must, however, carry a passenger's assistance dog when necessary. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical or any other type of impairment.
39. Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. A certificate of exemption will be supplied on production of suitable and appropriate medical evidence.

WHEELCHAIR ACCESSIBLE VEHICLES

40. All drivers of wheelchair accessible vehicles must be appropriately trained, and:
- Must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle;
 - Must, before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied;
 - Must ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with regulations, S.100 of the Road Vehicles Construction and Use Regulations 1986;

- Shall, in the event of a passenger who requires to be carried seated in a wheelchair, presenting themselves at a taxi rank or hailing a hackney carriage on the street and the hackney carriage which the passenger has presented themselves to or hailed is not wheelchair accessible either:
 - divert the passenger to a wheelchair accessible vehicle on the rank if one is available; or
 - use their phone or radio to contact an operator of a wheelchair accessible hackney carriage to arrange to collect the passenger as soon as possible.

PENALTY POINTS SCHEME

41. Any breach of the requirements detailed in Appendix H of this Policy will result in penalty points being applied to the driver/proprietor of the vehicle in accordance with the Breaches of Conditions and Convictions Scheme detailed in Appendix F of this Policy.

APPENDIX I

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

In order to promote its licensing objectives as regards hackney carriage and private hire vehicle 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.

1. Responsibility of the Trade

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

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

2. Responsibility to Customers

Licence holders shall:

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

3. Responsibility to Residents

To avoid nuisance to residents a driver shall,

when picking up or waiting for a fare

- a. not sound the vehicle's horn illegally;
- b. keep the volume of radio/cassette/cd player and VHF/digital radios to a minimum;
- c. switch off the engine if required to wait;
- d. not engage in loud conversation with other drivers while waiting for customers;
- e. take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

In addition to the above, licence holders shall:

At taxi ranks and other places where hackney carriages ply for hire by forming queues -

- a. rank in an orderly manner and proceed along the rank in order and promptly;
- b. remain in the vehicle.

At private hire vehicle offices –

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

4. General

Drivers shall:

- a. pay attention to personal hygiene and dress so as to present a professional image to the public;
- b. be polite, helpful and fair to passengers;
- c. drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile 'phone (or similar device) whilst driving except to call 999 (or 112) in a genuine emergency and it is unsafe or impractical to stop. (See 2008 edition of Highway Code, rule number 149);
- d. obey all Traffic Regulation Orders and directions at all times;
- e. not smoke (or allow anyone else to smoke) at any time in the vehicle in accordance with the Smokefree Law;
- f. not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- g. not drive while having misused legal or illegal drugs;
- h. fulfil their responsibilities under the working time regulations.

5. Disciplinary Hearings

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

- a. the driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence;
- b. the driver has been convicted of an offence under the legislation governing hackney carriage or private hire licensing, or the Council's Taxi and Private Hire Vehicle Licensing Policy.
- c. there is a breach of condition of this code.

Please note:

Any amount of alcohol or drugs can affect a driver's judgement.

The District 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.

PENALTY POINTS SCHEME

Any breach of the requirements detailed in Appendix I of this Policy will result in penalty points being applied to the driver/proprietor of the vehicle in accordance with the Breaches of Conditions and Convictions Scheme detailed in Appendix F of this Policy.

APPENDIX J

DRESS CODE FOR LICENSED DRIVERS

Derbyshire Dales District Council is committed to encouraging the professional image of the taxi and private hire trade, and considers that drivers of licensed vehicles are vocational drivers. The Council considers, therefore, that drivers should conform to a minimum standard of dress, as set out below, in order to raise and maintain the profile of the licensed trade.

The Council does not impose such standards by way of conditions on any licence. It is expected, however, that such standards will be maintained at all times.

Unacceptable Standards of Dress within this Code

The following are deemed to be unacceptable:

- Clothing or footwear, which is unclean or damaged
- Clothing printed with words, logos or graphics, which might offend
- Studs or sharp-edged clothing
- Beach-type footwear (e.g. flip-flops or mules)
- Footwear with pronounced heels
- Any clothing likely to obscure the face

PENALTY POINTS SCHEME

Any breach of the requirements detailed in Appendix J of this Policy will result in penalty points being applied to the driver/proprietor of the vehicle in accordance with the Breaches of Conditions and Convictions Scheme detailed in Appendix F of this Policy.

APPENDIX K

PRIVATE HIRE VEHICLE OPERATOR'S LICENCE: APPLICATION PROCEDURES

The Council will not grant a private hire vehicle operator's licence for an operator with an operating base that is outside the Derbyshire Dales District Council area. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

The following processes/procedures are of how to licence a Private Hire Vehicle Operator and Operator's licence renewal.

To become a Private Hire Operator within the District of Derbyshire Dales you will need to get a licence from the Council. The licence is issued under an Act of Parliament called the Local Government (Miscellaneous Provisions) Act 1976, and is referred to as an operator licence.

To obtain a licence the Council has to determine whether or not you are a 'fit and proper person' and whether the premises you intend to use as the base is suitable. This involves a series of checks being carried out with various organisations so that the Council can determine your application fairly and consistently.

Private Hire Vehicle Operator – New Licence Application Procedure

Applications for Private Hire Vehicle Operator's Licences may be made at any time of the year and are currently renewable every 5 years.

- 1. The Applicant will be required to provide the Council with a Criminal Record Check, complete the Council's prescribed application form and pay an application fee.**

Criminal Record Basic Check:

This involves a search of your individual criminal record to establish whether or not you are a safe person to drive, (or to arrange for others to drive), members of the public; some of which may be vulnerable, elderly, or infirm.

The DBS (Disclosure and Barring Service) provides a centralised disclosure service that deals with enhanced checks of criminal records for licensed drivers on behalf of the Council.

An Operator who is not already licensed with the Council (or going to be), as a Taxi/PHV driver, is required to obtain a basic criminal record check only. See Section 6 of this Policy - page 14).

This should be obtained by the applicant no more than 3 months before they submit his/her application form and fee.

Currently, Basic Disclosures are available on-line from the Disclosure and Barring Service – <https://www.gov.uk/government/publications/basic-checks>

For our Policy in respect of Convictions, (Breaches of Conditions and Convictions Scheme), please refer to Appendix F on pages 46 - 62.

2. Application Appointment

You will need to make an appointment to have your application checked. At your appointment a member of the Licensing team will go through your responsibilities as an Operator. You will need to bring with you the completed application form, the fee (card payments are the preferred method of payment), and the following documentation:

- Written confirmation that the Operation will operate solely as one Operation. (Only one operating name is allowed).
- Details of all telephone numbers intended to be used to invite bookings and addresses to which one relates i.e. the first point of contact for each call.
- In the absence of the Operator, you must provide the Name(s) and Address(es) of the Managers who will assume control of the booking of Private Hire Vehicle Drivers and Vehicles.
- A copy of the Company Policy in relation to the carriage of passengers accompanied by Guide or Hearing Dogs, those with Disabilities and Safeguarding of Children and vulnerable persons.
- Operators' Public Liability Insurance, where applicable. (See PHO Licence Conditions in Appendix L).

Once a licence has been granted, we will endeavour to remind you **4-6 weeks** before it is due to expire, although ultimately it remains your responsibility to ensure that the licence does not expire. (See renewal application procedures below).

If you allow your Operator's Licence to expire you will have to start the application process again as a new applicant.

Private Hire Vehicle Operator Licence - Renewal Application Procedure

Normally, Private Hire Vehicle Operator's Licences are granted for a period of 5 years and must be renewed before the expiry date.

We will endeavour to send a reminder approximately 6 weeks before the expiry date, but you are reminded that this is a courtesy service only, and that it is ultimately your responsibility for ensuring your licence does not expire.

To renew your licence you can make an appointment with a member of the Licensing Team, at least 2 weeks before it expires, if you require assistance with your application.

If nothing has changed since the last application and you prefer to, you can submit your forms electronically/by email, and make a telephone payment for the fee.

1. The licence holder will be required to provide the Council with a basic criminal record check (every three years, or as required). Depending on the timescale, the licence holder will also be required to submit a completed application for renewal of the licence, on the Council's prescribed form (currently renewable every 5 years).

Criminal Record Basic Check:

When you are required to provide a criminal record check we will notify you. Any conviction found on the disclosure report which you haven't notified to the Council, will result in you being referred to a meeting of the Licensing and Appeals Committee.

2. At your appointment you will need to bring with you the completed application form, the appropriate fee and the following documentation:

- Written confirmation that the Operation will be solely as one Operation. (Only one operating name is allowed).
- Details of all telephone numbers intended to be used to invite bookings and addresses to which one relates i.e. the first point of reception for each call.
- In the absence of the Operator, the Name(s) and Address(es) of the Managers who will assume control of the booking of Private Hire Vehicle Drivers and Vehicles.
- A copy of the Company Policy in relation to the carriage of passengers accompanied by Guide or Hearing Dogs, those with Disabilities and Safeguarding of Children and vulnerable persons.
- Operators' Public Liability Insurance. (Where applicable – see Licence Conditions in Appendix L).

The District Council issues/renews Private Hire Operator licences for a 5-year period. If there is any reason why you would not require a licence for the full 5 year period please request a shorter licence period in writing, explaining the circumstances in detail. All communications should be addressed to the Licensing Manager, and each case will be dealt with on its own merits.

If a licence is granted for a lesser period than 5 years, the fee will be calculated accordingly, taking into account the extra administration costs required in year 1 of the licence.

APPENDIX L

PRIVATE HIRE OPERATOR'S LICENCE

CONDITIONS OF LICENCE

These conditions are additional to the requirements of Part II of the Local Government (Miscellaneous Provisions) Act 1976 in respect of the conduct of operators of private hire vehicles, and all operators will be expected to be familiar with these conditions as well as the relevant provisions of the Act.

1. Definitions

In these conditions, unless the subject or context otherwise requires:

“the Council” means Derbyshire Dales District Council.

“Operator” means the holder of a Private Hire Vehicle Operator’s Licence granted by the Council.

“Vehicle” means a private hire vehicle licensed by the Council.

“Driver” means a person holding and acting in accordance with a private hire driver’s licence issued by the Council.

2. Prohibition on the Transfer of Licence

The Operator shall not assign or in any way part with the benefit of this licence.

3. Hiring Records

The Operator shall keep a record of particulars of every hiring, invited or accepted by them, and shall enter therein before any hiring is commenced the following details:

- a. The date and time of the hiring.
- b. The date and time of the journey.
- c. The place at which the hire commences and the destination.
- d. The name of the hirer.
- e. The name and licence number of the driver.
- f. The licence number of the vehicle.
- g. Whether the request for the hiring was made by the hirer or another operator.
- h. Keep records of hirings for a period of 2 years.

4. Vehicle Records

The Operator shall keep a record of any private hire vehicle operated by them showing the following details in book form:

- a. Make and model of the vehicle.
- b. Registration number of the vehicle.
- c. Private hire vehicle licence number.
- d. The age of the vehicle.
- e. The name of the licensing authority.
- f. The date of expiry of the vehicle licence.
- g. The name and address of the proprietor of every vehicle operated by him/her.
- h. The date upon which the vehicle commenced to be operated by them.

5. **Prohibition on the use of the terms “Cab” or “Taxi”**

An operator shall not include in the name of his/her business or in advertising material, letter headings or other stationery, the words “Cab”, “Taxi Cab” or “Taxi” whether in the singular or plural or whether they form part of another word or not.

6. **Repairs**

The Operators shall at all times during the licence period make proper and adequate provision for the repair and maintenance of Private Hire Vehicles and make such provision available for inspection by an Authorised Officer of the Council and comply with such reasonable requirements as he/she may make.

7. **Insurance**

The Council may check that appropriate public liability insurance has been taken out for premises that are open the public.

Before an application for a Private Hire Vehicle Operators Licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

The conditions for Private Hire Vehicle Operator’s Licences require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate as well as appropriate public liability insurance for their premises, before the expiry of that certificate a new policy must be deposited with the Council.

The Operators must also produce a valid MOT if applicable. An up to date copy must be deposited with the Council before the expiry of the old certificate.

8. **Quality of Service**

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

9. **Compliance with Licence Conditions**

The Operator shall ensure that the licence conditions in respect of any vehicles used by them and drivers employed or contracted to them are complied with at all times.

10. **Disclosure of Convictions**

The Operator shall, as soon as possible and in any event within **10 days** disclose to the Council in writing details of any conviction imposed on them (or if the operator is a company or partnership, on any other directors or partners) during the period of the licence.

11. **Criminal Record Checks**

Private hire vehicle operators (as opposed to private hire vehicle drivers) are not exceptions in respect of the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. A Basic Disclosure from Disclosure Scotland or a police check/certificate of good conduct from the relevant embassy for overseas applicants is seen as appropriate. A reference, covering for example the applicant's financial record, as well as or instead of the checks outlined above is also seen as useful.

Before an application for a private hire vehicle operator's licence will be considered, the applicant must provide a current (no more than one month old) basic CRB Disclosure of criminal convictions or a police check/certificate of good conduct from the relevant embassy in the case of an overseas applicant.

12. **Bases outside the Derbyshire Dales Council Area**

The Council will not grant a private hire vehicle operator's licence for an operator with an operating base that is outside the Derbyshire Dales District Council area. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is no way intended to be a restraint of trade. On the termination of a journey the vehicle must return to within the boundaries of Derbyshire Dales, unless it has another booking in that area within 15 minutes.

13. **Address from which a Private Hire Vehicle Operator may operate**

Upon grant of a private hire vehicle operator's licence, the Council will specify the address from which the operator may operate. The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence. Prior to the change of operating base address, written confirmation of the change must be obtained from the Council.

14. **The Operator**

The operator shall:

- Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- Ensure that office staff, employed by operator, act in a civil and orderly manner at all times.
- Ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.
- Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated.
- Ensure that any waiting area provided has adequate seating facilities and telephone facilities are in good working order.
- Fulfil his/her responsibilities to ensure compliance with legislation regarding the length of working hours.

15. **Drivers**

The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him/her, pursuant to section 56(3) of the 1976 Act such as details to include the following particulars, namely:-

- Details as to the drivers of the vehicles, and their call signs
- Details of when any new driver begins service
- Details of when any driver's service ceases
- Details of any change of address of any driver in service
- If he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties, details of that information
- Expiry dates of driver's badges and vehicle licences

All records maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any authorised officer of the Council or any Police Officer

16. **Complaints**

The private hire vehicle operator shall immediately, upon receipt, notify the Authorised Officer in writing of any complaints concerning a contract for hire arising from his/her business, such notification to include the action taken or proposed as a result of the complaint.

17. **Change of Address, Drivers and Vehicles, etc**

The operator shall notify the Council in writing of any change affecting the licence including change of drivers, vehicles and address (including any address from which he/she operates or otherwise conducts his/her business), which takes place during the currency of the Licence. Such notice shall be given within **10 days** of the change to the Authorised Officer.

18. **Private Hire Vehicle Driver's Licences**

The operator shall satisfy himself/herself that every driver engaged by him/her has acquired a private hire driver's licence and has a badge issued by the Licensing Authority.

19. **Display of Terms and Conditions**

The operator shall, at all times, keep a copy of these conditions at any premises used by him/her for a private hire business and shall make the same available for inspection by fare-paying passengers.

20. **Inspection of Licence**

The Operator's Licence shall be made available for inspection on request by any authorised officer of the Council or any Police Officer.

21. **Dress Code**

The operator shall have in place a dress code policy for his/her drivers, which must be regularly reviewed and be in addition to the minimum standard contained within Appendix J, which shall be made available to any authorised officer of the Council or any Police Officer.

22. **Carriage of passengers accompanied by guide or hearing dog, those with disabilities and safeguarding children and vulnerable persons**

The operator shall have in place a company policy relating to the carriage of passengers accompanied by guide or hearing dogs and those with Disabilities and Safeguarding children and vulnerable persons, for his/her drivers, which must be regularly reviewed and be in addition to the conditions contained within this policy, which shall be made available to fare-paying passengers, any authorised officer of the Council or any Police Officer.

23. **Smoking Policy**

The operator shall have regard to the above section on Smoking and the Law. Operators must provide training to staff and drivers on the law and what their responsibilities are, remove all ashtrays from smoke free premises, and introduce a smoke free policy which must be kept up to date; a copy shall be available to fare-paying passengers, any authorised officer of the Council or any Police Officer.

PENALTY POINTS SCHEME

Any breach of the requirements detailed in Appendix L of this Policy will result in penalty points being applied to the driver/proprietor of the vehicle in accordance with the Breaches of Conditions and Convictions Scheme detailed in Appendix F of this Policy.

~~Version 5: with effect from 01 MAY 2018~~

Version 6: with effect from ??? 2024

THIS DOCUMENT SUPERSEDES ALL PREVIOUS VERSIONS OF THIS POLICY

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