

ASHFIELD DISTRICT COUNCIL



Ashfield

Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Licensing Committee

Date: **Thursday, 15th September, 2016**

Time: **6.30 pm**

Venue: **Committee Room, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

Alan Maher

a.maher@ashfield-dc.gov.uk

01623 457318

LICENSING COMMITTEE

Membership

Chairman:

Councillor Mike Smith

Councillors:

Lee Anderson

Jim Aspinall

Chris Baron

Tony Brewer

Christian Chapman

Helen Hollis

Cathy Mason

Mick Murphy

Nicolle Ndiweni

Paul Roberts

Robert Sears-Piccavey

Sam Wilson

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SUMMONS

You are hereby requested to attend a meeting of the Licensing Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



R. Mitchell
Chief Executive

AGENDA

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1. To receive apologies for absence, if any
2. Declarations of Disclosable Pecuniary and Non Disclosable Pecuniary/Other Interests
3. To receive and approve as a correct record the minutes of the meeting of the Committee held on 2 December 2015 5 - 6
4. Creation of a Hackney Carriage and Private Hire Licensing Policy 7 - 132

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LICENSING COMMITTEE

Meeting held in the Committee Room, Council Offices, Urban Road,
Kirkby-in-Ashfield,

on Wednesday, 2nd December, 2015 at 6.30 p.m.

Present: Councillor M.J. Smith, in the Chair;
Councillors A.N. Brewer, C.R. Chapman, H.J. Hollis,
C.A. Mason, M.K. Murphy, P. Roberts, R.J. Sears-Piccavey
and S.R. Wilson.

Apologies for Absence: Councillors L. Anderson, J.F. Aspinall and C.J. Baron.

Officers Present: C. Booth, B. Brown and J. Robinson.

L.1 **Declarations of Disclosable Pecuniary and Non Disclosable Pecuniary/Other Interests**

There were no declarations of interest.

L.2 **Minutes**

RESOLVED

that the minutes of the meeting of the Licensing Committee held on 12th November, 2014 be received and approved as a correct record.

L.3 **Proposed Amendments to the Council's Statement of Gambling Policy**

The Environmental Health Manager presented the report and asked Members to consider amendments to the Statement of Gambling Policy for Ashfield District Council, in compliance with the requirements of the Gambling Act 2005.

Members were advised that it was a requirement of the Gambling Act 2005 that the Licensing Authority review the Statement of Gambling Policy every 3 years.

The draft Statement of Gambling Policy was appended to the report with the amendments highlighted inside the document. The Council had consulted various bodies and organisations upon this statement over a 3 month period ending on 9th October, 2015. The Council had received one response during the consultation period.

RESOLVED

that the amended Statement of Gambling Policy, as appended to the report, be approved and recommended to Council for adoption and implementation.

Reasons:

Amendments to the Council's Statement of Gambling Policy provide a consistent approach to gambling licensing across Nottinghamshire.

The Nottinghamshire Authorities Licensing Group have reviewed the Statement of Gambling Policy and agreed suggested changes. None of the changes are of a major nature and are mainly cosmetic in order for anyone reading the document can fully understand the Policy. It is intended to make the Statement of Gambling Policy a County-wide document for consistency of approach.

The amended document will make clear to applicants and operators the Council's policy and criteria for the determination of applications under the Gambling Act 2005.

The meeting closed at 6.56 p.m.

Chairman.

REPORT TO: LICENSING COMMITTEE **DATE:** 15th September 2016

HEADING: CREATION OF A HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

PORTFOLIO HOLDER: ENVIRONMENT

KEY DECISION: NO

SUBJECT TO CALL IN: NO

1. PURPOSE OF REPORT

The purpose of this report is to recommend the adoption of a new Hackney Carriage and Private Hire Licensing Policy. Ashfield District Council currently has in place a number of policies and guidance notes for the Hackney Carriage and Private Hire industry but there is currently no overarching policy that combines them. As a result, a policy has been created for the benefit of both the Licensing Authority and the licensed trade.

2. RECOMMENDATION

It is recommended:

- 2.1 That the Hackney Carriage and Private Hire Licensing Policy is approved and the policy be implemented on 17th October 2016.
- 2.2 Authority for the policy to be applied to both new and existing applicants of Hackney Carriage and Private Hire Drivers, Vehicles and Operators;
- 2.3 Authority be delegated to the Service Director, Places and Communities to make any minor amendments to the Policy.

3. BACKGROUND

- 3.1 Ashfield District Council ("The Licensing Authority") is responsible for the regulation of the Hackney Carriage and Private Hire trades within the District of Ashfield.
- 3.2 Ashfield District Council recognises the important role of Hackney Carriages and Private Hire vehicles in enabling people to travel around the District and portraying a positive image of Ashfield.

- 3.3 The Licensing Authority recognises all its drivers/operators as Ambassadors for the District and with this there is an expectation to provide a positive customer experience by transporting customers safely on every journey.
- 3.4 Presently, the Licensing Authority issues only issued guidance notes and terms and conditions but does not have a policy in place.
- 3.5 The proposed policy has been developed by Ashfield District Council in consultation with other Statutory Agencies, the Public and the Licensing Trade and also takes in account the following:
- The Council's licensing objectives;
 - Legislation;
 - The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003;
 - Taxi and PHV Licensing Criminal Conviction' Policy, LGA;
 - Guidance on the Rehabilitation of Offenders Act 1974 – March 2014;
 - Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders – 2013;
 - Regulators' Code 2014;
 - The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010.
- 3.6 The proposed policy is in line with best practice and seeks to make a number of changes to the Licensing process for Hackney Carriage and Private Hire Licences. These are all incorporated into a new Policy to illustrate a clear and transparent approach when the Licensing Authority is undertaking any Hackney Carriage and Private Hire licensing function.
- 3.7 The Policy will outline the Council's expectations and requirements of the Hackney Carriage and Private Hire trade.
- 3.8 The proposed policy will act as a single source of information relevant to this area of licensing and is attached at **Appendix One**.

3.9 Public safety has remained at the heart of all of the changes and the proposed changes will make the licensing processes more robust. The Policy will incorporate the processes for Drivers, Vehicles and Private Hire Operators and includes the following proposed changes -

- Drivers to undertake annual Disclosure & Barring Service [“DBS”] check (previously known as a criminal record check) and a DVLA check for driving history – the change in law now means licences should be granted for a period of 5 years (Operators) and 3 years (Drivers) respectively unless there are cogent reasons to offer a licence for a lesser period. The annual checks will enable the Licensing Authority to be satisfied that the ‘fit and proper’ test is met throughout the duration of the licence;
- A revised Convictions Policy, which will take into account all convictions, cautions, reprimands, warnings etc. This is policy that has been agreed across Nottinghamshire to provide a greater level of consistency for those Local Authorities who choose to adopt it;
- A requirement for all new Applicants, existing Drivers and Operators to attend and pass a Safeguarding Vulnerable Passengers Course prior to submitting their application;
- Greater responsibilities for Operators and Drivers, specifically in relation to fitness to drive, vehicle defects, driver hours, complaints handling and reporting.
- Removed the mandatory requirement for a first aid kit and fire extinguisher;

4. CONSULTATION PROCESS

- 4.1 Letters were sent to all licensed drivers and Private Hire Operators notifying them of the proposed policy. The policy was made available both in hard copy and on the Council’s website.
- 4.2 The consultation process commenced on 18th July 2016 and ended on 14th August 2016. A copy of the letter relating to this is attached at **Appendix Two**.
- 4.3 Whilst a number of Licensees contacted the Council for clarification on the Policy, the Local Authority only received three written representations and one verbal in response to the consultation:
- 4.3.1 Verbal Representation 1 contained a request for smaller, greener engines (hybrid and electric) to reduce pollution.

- The authority accepted that this was a reasonable request and has made changes to the proposed policy at paragraph 6.3.
- 4.3.2 Written Representation 1 – Disclosure and Barring Service (DBS) should be free for Drivers and paid for by the Local Authority.
- This is not something that can be accommodated by the Licensing Authority because the contract is between the applicant and the DBS. Furthermore, it is for the applicant to satisfy the ‘fit and proper’ test by providing the Licensing Authority with an enhanced DBS certificate.
- 4.3.3 Written Representation 2 – drivers leaving their engines running whilst waiting on ranks (Fox Street and Forest Street) for extended periods of time increasing potential pollution.
- The authority accepted that this was a reasonable request and has made changes to the proposed policy at paragraph 6.13 requiring Hackney Carriage drivers to turn off their engines whilst stationary on any taxi rank in order to reduce the potential for pollution.
- 4.3.4 Written Representation 3 – (i) Safeguarding training should not be annual, (ii) does not agree with regular DBS checks; (iii) does not agree with the age limit for vehicles on initial applications being less than 2 years old.
- (i) The policy does not require annual safeguarding training;
 - (ii) DBS checks are required to satisfy the ‘fit and proper’ test. Annual checks are deemed reasonable and proportionate;
 - (iii) The Local Authority seeks to maintain a high standard of vehicles throughout its licensed fleet. These age limits have been in place for a number of years now and have worked effectively.
- 4.4 Members should note that some minor amendments have been made to the policy to correct spelling mistakes and clarify some points. The changes have been tracked for Members to view.

5. OPTIONS AVAILABLE

- 5.1 To approve the recommendations – This is the recommended option as it will provide the relevant safeguards necessary to protect the public.

- 5.2 To approve an amended version of the recommendations – This is not the recommended option as any changes will not have been included within the consultation process and may leave the Council open to challenge.
- 5.3 To reject the recommendations - This is not the recommended option as it will undermine public safety.

6. IMPLICATIONS

6.1 Corporate Plan

Licensing regulation assists the Council with a means of reducing crime and disorder, as well as minimising risk to vulnerable persons. Public safety is paramount.

6.2 Human Resources

There are no direct HR implications contained within this report.

6.3 Legal

- 6.3.1 Section 51(1) of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') provides that a District Council shall not grant a Private Hire Drivers Licence unless it is satisfied that the applicant is a 'fit' and 'proper' person to hold such a licence.
- 6.3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 had the effect of including licensed drivers within the 'regulated occupations' for the purposes of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975; this effectively means that the provisions apply to applicants for Hackney Carriage and Private Hire Drivers Licences but not to Private Hire Operators. The Convictions policy will ensure that all applications are determined in a fair and consistent manner.
- 6.3.3 The Local Authority may not fetter its discretion and each application must be considered on its own merits and within the remit of the law. The revised Hackney Carriage and Private Hire Licensing Policy will assist Authorised Officers and Members in reaching fair and proportionate decisions.
- 6.3.4 Any applicant refused a licence or an existing driver, vehicle proprietor or operator who has their licence suspended or revoked has a right to appeal to a Magistrates Court under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

6.3.5 Human Rights – There are human rights issues arising from the subject of Hackney Carriage and Private Hire licensing. Under Article 1 of the First Protocol of the European Convention of Human Rights every person is entitled to the peaceful enjoyment of their possessions. A ‘possession’ for this purpose includes a licence. For a public authority to interfere with a licence, it must be both lawful and proportionate to do so in the interest of the wider community.

6.4 Financial

There will be no impact on the Licensing Section’s budget.

6.5 Environmental Sustainability

Smaller, greener vehicle engines will impact on the environment as the potential of pollution is reduced in line with European and National Guidelines.

6.6 Diversity and Equality

No impact.

6.7 Community Safety

Making procedures for Hackney Carriage and Private Hire Licensing more robust will assist the Council in reducing crime and disorder. Public safety is of paramount concern and as such, this policy will ensure that all applicants that apply for a Hackney Carriage and Private Hire licence are fit and proper to do so.

6.8 Other Implications

None.

6. BACKGROUND PAPERS

Guidance issued by the Department of Transport and Local Government Association.

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Edd DeCoverly

Service Director – Place and Communities



**HACKNEY CARRIAGE AND PRIVATE HIRE
LICENSING POLICY**

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Introduction

Ashfield District Council (“The Licensing Authority”) is responsible for the regulation of the Hackney Carriage and Private Hire trades within the District of Ashfield.

Ashfield District Council recognises the important role of Hackney Carriages and Private Hire vehicles in enabling people to travel around the District and portraying a positive image of Ashfield.

The Licensing Authority recognises all its drivers/operators as Ambassadors for the District and with this there is an expectation to provide a positive customer experience by transporting customers safely on every journey.

This policy and related procedures detail how the Licensing Authority carries out its functions. The policy has been developed by Ashfield District Council in consultation with other Statutory Agencies, the Public and the Licensing Trade. The following have also been taken into consideration:

- The Council’s licensing objectives;
- Legislation;
- The Office of Fair Trading “The Regulation of Licensed Taxi and PHV Services in the UK” 2003;
- Taxi and PHV Licensing Criminal Conviction’ Policy, LGA;
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014;
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders – 2013;
- Regulators’ Code 2014;
- The Department for Transport “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” March 2010.

This document sets out the requirements and standards that must be met.

It should be noted however, that nothing in this document will bind the Licensing Authority to a particular course of action, and it will continue to consider each application on its own merits. Similarly, this policy does not take precedence over any statutory provision or established case law.

2. Application and Definitions

2.1 Application

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) places a duty on the Licensing Authority to carry out its licensing functions in respect of Hackney Carriages and private hire vehicles. The Licensing Authority is Ashfield District Council.

This policy applies to:

- Hackney Carriages; being a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public within the District of Ashfield.
- Private Hire Vehicles: licensed as a vehicle to carry no more than 8 passengers, but must be booked in advance by customers through an operator and may not ply for hire in the street.
- Private Hire Operators
- Hackney Carriage and Private Hire vehicle drivers

In undertaking its licensing function, the Licensing Authority will have particular regard to:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Acts 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998

The Licensing Authority will also have regard to any principles laid out in statutory guidance and recommendations from bodies such as the Better Regulation Delivery Office and the Department for Transport.

2.2 Definitions

a. In this policy:

- “the Council” or “Licensing Authority” means Ashfield District Council (ADC);

- “driver” means any dual licensed Hackney Carriage and Private Hire Vehicle Driver issued by this Licensing Authority.
- “the Operator” means the holder(s) of the Private Hire Operator’s licence issued by this Licensing Authority;
- “vehicle” means any licensed private hire vehicle (and hackney carriages, if bookings are also invited and accepted for fulfilment by these vehicles) operated by the Operator.

b. Terms defined under section 80 of the 1976 Act shall bear the meanings set out therein, as indicated below:

“The Act of 1847” means the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages;

“the Act of 1936” means the Public Health Act 1936;

“authorised officer” means any officer of a district council authorised in writing by the council for the purposes of this Part of this Act;

“contravene” includes fail to comply;

“controlled district” means any area for which this Part of this Act is in force by virtue of—

a resolution passed by a district council under section 45 of this Act; or section 255(4) of the Greater London Authority Act 1999;

“daily fine” means a fine for each day during which an offence continues after conviction thereof;

“the district”, in relation to a district council in whose area the provisions of this Part of this Act are in force, means—

if those provisions are in force throughout the area of the council, that area;

and

if those provisions are in force for part only of the area of the council, that part of that area;

“driver’s badge” means, in relation to the driver of a hackney carriage, any badge issued by a district council under byelaws made under section 68 of the Act of 1847 and, in relation to the driver of a private hire vehicle, any badge issued by a district council under section 54 of this Act;

“driver’s licence” means, in relation to the driver of a hackney carriage, a licence under section 46 of the Act of 1847 and, in relation to the driver of a private hire vehicle, a licence under section 51 of this Act;

“hackney carriage” has the same meaning as in the Act of 1847;

“hackney carriage byelaws” means the byelaws for the time being in force in the controlled district in question relating to hackney carriages;

“operate” means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;

“operator’s licence” means a licence under section 55 of this Act;

“private hire vehicle” means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers;

“proprietor” includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

“public service vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981;

“taximeter” means any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both; and

“vehicle licence” means in relation to a hackney carriage a licence under sections 37 to 45 of the Act of 1847 [in relation to a London cab a licence under section 6 of the Metropolitan Public Carriage Act 1869]and in relation to a private hire vehicle means a licence under section 48 of this Act.

3. Licensing Aims and Objectives

The principal purpose of Hackney Carriage and Private Hire Licensing is to protect the public and promote public safety.

The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

A. The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder by:

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Commitment to work with the police and licensing authorities.
- An expectation that licence holders will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

B. The safety and health of the public and drivers by:

- Consideration of history of convictions and cautions.
- Driver training, qualification and performance.
- Knowledge of the Ashfield area.
- Health and fitness to fulfil the role of a licensed driver.
- Vehicle specifications.
- Regular driver medical checks
- Commitment to work, and co-operation, with the police and licensing authorities

C. Vehicle safety, comfort and access by:

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks and use of ranks
- Provision of disabled facilities.

D. Encouraging environmental sustainability by:

- Working with stakeholders in the trade in finding methods of reducing vehicle emissions and not issuing licences for vehicles that are unable to comply with European Emissions Standards.

In promoting these licensing aims and objectives, the Licensing Authority will expect to see all licence holders and applicants continuously demonstrate that they meet or exceed the standards set.

These aims and objectives will also be taken into account by the Licensing Authority when making decisions on applications/enforcement action.

The Licensing Authority will work in partnership with its licence holders, neighbouring authorities, the Police, local businesses and local people to ensure promotion of the above-listed aims and objectives.

It should be noted that it is a criminal offence under the 1976 Act for any person to knowingly or recklessly make a false statement or omit any material particular in connection with an application for a driver, vehicle or operator's licence.

4. Delegations

The Council's constitution details who is responsible for making decisions on matters relating to taxi licensing.

The Council operates a scheme of delegation where certain powers are delegated to Authorised Officers and Elected Members who sit on the Licensing Committee. A copy of the constitution which contains the scheme of delegation is available on the Council's website or upon request.

5. Hackney Carriage and Private Hire Vehicle Driver Licensing Requirements

5.1 Introduction

All drivers must satisfy the Licensing Authority that they are 'fit and proper' to hold a drivers licence. Once granted, they must remain a 'fit and proper' person for the duration of that licence.

The fitness and propriety of a driver will be monitored / assessed, throughout the period that the licence is held, by the Licensing Authority and Partner Agencies.

All applicants/Licensees are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous cautions, convictions, warnings and reprimands, current investigations and pending criminal proceedings.

The application and compliance procedures are designed to ensure high standards are maintained, monitored and non-compliance is appropriately enforced.

The sections (5.1-5.13) below apply to all Hackney Carriage and Private Hire Drivers licensed by this Licensing Authority i.e. Ashfield District Council.

5.2 Application process

The Licensing Authority issues licences that enable the driving of both Hackney Carriages and Private Hire Vehicles.

As part of the application process the applicant should arrange, attend and pass a knowledge test. The application must include the following:

- Two recent colour passport standard photographs that are a good likeness of the applicant;
- A DVLA driving photo-card (where applicable);
- A completed DVLA mandate;
- A completed DBS disclosure with and all the identification documents required as part of the DBS check (unless Appendix B is applicable)
- A certificate of good conduct (if applicable – see Appendix C)
- Proof that the applicant is legally permitted to work in the UK –a licence will not be issued for a period longer than that period the applicant is permitted to work.
- Full Group 2 Medical Certificate or proof of exemption (if applicable).
- The safeguarding vulnerable people course certificate.
- Knowledge Test certificate
- The application fee (non-refundable)
- Any other documentation required to progress your application.

If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.

When all required documents and other information have been received, the application will be determined.

Detailed information can be found in appendix A.

5.3 Fit & Proper Person Test

Licensed drivers are in a position of trust, and therefore must remain fit and proper to hold a licence. This requirement to be 'fit and proper' is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

In order to assess the suitability of an applicant the Licensing Authority will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is 'fit and proper' to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.

In assessing the suitability of an applicant or licence holder, the Licensing Authority will consider the following factors:

- Criminality including cautions
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

In addition, the Licensing Authority may need to verify information or obtain further information from other sources such as the Police, other local authorities, statutory & non-statutory agencies and Boards such as the Children and Adult Safeguarding Boards. An applicant will be required to provide consent at the application stage.

5.4 Disclosure and Barring Service (DBS)

A criminal record check on a driver is necessary and deemed an important safety measure.

Applicants will be required to provide an Enhanced Disclosure through the Disclosure and Barring Service (DBS).

This DBS will provide details of live/spent convictions, police cautions and other relevant information that will be considered when determining the application.

Detailed information about the DBS application procedures can be found in appendix B.

Hackney Carriage and Private Hire vehicle drivers are deemed as “exceptions” under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the “Exceptions Order”).

All applicants/licensees will be required to disclose all cautions and/or convictions on their application forms even if they are spent for other purposes as well as any fixed penalty notices and warnings. The applicant will be responsible for funding, obtaining and providing the Licensing Authority with a copy of the DBS certificate.

Certificates should be obtained using the Licensing Authorities approved DBS system. However, DBS certificates issued to other local authorities may be accepted if:

1. It is an Enhanced DBS Disclosure Certificate and has been processed in relation to the child and adult workforce employment position;
2. It has been issued within the last three months; and

All licence holders shall notify the Licensing Authority of any convictions, cautions, or fixed penalty notices received during their licence period. Failure to inform the Licensing Authority of these during the licensing period may result in suspension, revocation and/or any other course of action deemed appropriate by the Licensing Authority.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

The Licensing Authority requires all drivers to fund, obtain and produce an enhanced DBS check annually and the details contained within this will be retained by the Licensing Authority. Licence holders will be invited to subscribe to the Disclosure and Barring Service Online Update. The update service can be used if an application is made for a renewal and there has been no changes. If no changes are recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence will be renewed/issued.

The applicant/licence holder must provide consent for the Licensing Authority to undertake checks of their DBS status as and when it is deemed appropriate to do so and failure to do this may result in an application being refused.

It may be necessary for the Licensing Authority to access the update service to monitor licence holders to be satisfied that they continue to be fit and proper to hold a licence.

Applicants with periods of residency outside the UK

If an applicant has spent six continuous months or more overseas since the age of ten years old the Council will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant remained overseas.

The Licensing Authority will need to be satisfied that sufficient background checks have been conducted to satisfy the fit and proper test for all applicants that have lived overseas.

For EU nationals (including UK citizens) suitable checks should be available where the applicant has not been resident in the UK for at least 5 consecutive years.

For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy where the applicant has not been resident in the UK for at least 5 consecutive years.

If the relevant checks cannot be supplied the Licensing Authority will not be able to grant a drivers licence.

For further information please see appendix C.

5.5 Relevant Convictions Policy

The Licensing Authority is committed to ensuring that the licensed trade are fit and proper and in order to do so periodic checks/audits of licensed drivers will be undertaken to ensure that policies and procedures are being complied with.

The Licensing Authority will take account of all convictions, cautions, reprimands, warnings etc. whether they are spent or unspent in accordance with its policy - see appendix D.

5.6 Knowledge Test

Knowledge Test

Applicants will be required to pass their knowledge test and produce photographic evidence before the test can be commenced.

The knowledge test must be passed and is designed to ensure applicants have sufficient knowledge in relation to:

- 5.5.1. Conditions of licence;
- 5.5.2 Literacy and numeracy;
- 5.5.3 Locations & the Highway Code.

As part of this process, applicants will be required to demonstrate that they are able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver.

The initial application fee will only include the initial test and is non-refundable upon failure.

All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure.

If an applicant fails three successive knowledge tests they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take any further tests.

No refund will be provided for any cancellations with less than 24 hours' notice in writing.

5.7 Medical Assessment

Licensed drivers are expected to meet the Group 2 Standards of Medical Fitness as applied by the DVLA to licensed lorry/bus drivers.

The Licensing Authority requires applicants and current licensees to undergo medicals through a GP or third party provider as approved by the Licensing Authority in writing.

The applicant will be responsible for arranging, attending and funding the medical appointment, as well as providing a copy of the medical certificate to the Licensing Authority.

Where there remains any doubt about the fitness of an applicant, the Licensing Authority may revert back to the medical practitioner for further information. The application will then be determined on the medical evidence available.

A licence application will not be accepted / processed unless all elements of the application process have been completed.

No licence shall be issued until medical fitness has been established.

Licence holders must advise the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities as soon as is practicably possible. Failure to do so could result in suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

Exception:

1. Where an applicant is able to produce proof of a current group 2 medical examination i.e. less than 3 months old, along with confirmation from a medical practitioner that there have been no changes since its issue, they shall not be required to undergo a further medical examination at the time of submitting their application.

If the applicant is not required to undertake a full Group 2 medical on renewal they will be required to complete and submit a self-medical certificate with their renewal application. The Licensing Authority reserves the right to request a further Group 2 medical where it is deemed appropriate. The applicant will be required to finance this.

The Licensing Authority also reserves the right to request a driver/applicant to produce a medical certificate upon request at any point during the period of the licence. The driver may be required to cover the cost of this. Failure to comply with such a request in immediate suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

Exemption:

1. Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without an additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be clearly displayed in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

5.8 Duration of the Licence

The Licensing Authority will normally issue a Hackney Carriage and Private Hire Vehicle Drivers licence for a three-year period. The Licensing Authority does have the discretion to issue licences for a shorter period, if it considers this to be necessary in the circumstances.

If an application is received from an individual who does not live in the district of Ashfield, or within the vicinity of the district (i.e. within a thirty mile radius), then the applicant will be required to demonstrate why it is appropriate for Ashfield District Council to issue a Licence.

5.9 Safeguarding training

All new applicants will be required to attend and pass a Safeguarding Vulnerable Passengers training course prior to a licence being granted.

Current licence holders will also be required to undertake the training prior to their licence being renewed.

Failure to do so may result in an immediate suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

The training will involve attending a session at a location approved by the Licensing Authority. At the end of the session all applicants will be required to pass a test.

Failure to pass the test will result in the licensee re-taking the training session and exam at their own cost and within a specified amount of time.

The initial test fee is included in the application fee and is non-refundable in the event of failure. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure.

If an applicant is unable to pass the test after three attempts:

- New applications and renewals will be refused;
- Current Licences will be revoked.

5.10 Conditions

The Licensing Authority may attach such conditions to a Hackney Carriage and Private Hire Vehicle Driver's licence as are considered necessary. The standard conditions are available in appendix E.

Failure to comply with the conditions set out in this document may result in enforcement action (see paragraph 10.)

5.11 Dress Code

Hackney Carriage and Private Hire Licensing in the District of Ashfield plays an important role in portraying a positive image of Ashfield.

All Licensees are expected to conduct themselves in a manner that serves to enhance the professional image of the Hackney Carriage and Private Hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers.

Employees working for companies operating their own dress codes will also be required to comply with this standard. The Licensing Authority requires all drivers to adhere to the following dress code:

Drivers must ensure that at all times a smart standard of dress and cleanliness is maintained which is acceptable to the general public. The seasonal wearing of dress shorts or culottes as appropriate will be allowed and drivers must wear either a short sleeved shirt, blouse or collared polo shirt. Flip Flops and/or bare feet are not acceptable when on duty.

5.12 Right of the driver to work in the UK

The Licensing Authority requires all applicants to provide documentary evidence to confirm that they can legally work in the UK. For example:

- UK passport confirming that the holder is British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further advice can be obtained from the Licensing Department upon request.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

5.13 Drivers Responsibility

The Licensing Authority requires all its drivers to ensure that passengers are safeguarded when being transported in a licensed vehicle. The following are applicable:

Drivers are expected:

- Ensure that they are fit to drive at all times;
- Ensure their vehicle is fit to be driven at all times;
- Not to use a vehicle which could put the public at risk;
- To remain professional at all times;
- To carry photo ID at all times, and wear it in accordance with any conditions of licence.

- Not to use offensive or inappropriate language;
- Not to swear;
- Not to behave in a manner that would make passengers feel uncomfortable, intimidated and/or threatened;
- Not to misuse personal information obtained during whilst working;
- Ensure a log is maintained which records all incidents, refusals and accidents involving passengers and/or reported to the Operator immediately and in any event before taking the next fare. (See also paragraph 6.8)

Vulnerable Passengers

Drivers and/or Operators must confirm that appropriate provisions are in place for any vulnerable passengers prior to accepting any bookings and/or commencing a journey. A Driver/Operator would not be responsible for any alterations, but is responsible for ensuring the passenger is able to be transported safely and comfortably.

If a responsible person is not accompanying a vulnerable passenger the Driver should make reasonable attempts to obtain contact details for a responsible person in case of an emergency.

If a Driver is unable to commence a journey due to safety concerns then all reasonable measures should be taken to ensure a responsible person is notified to enable alternative arrangements to be made.

Reporting Concerns

If a driver is concerned about the safety, welfare or behaviour of an individual, they should report it to the police by telephoning 101 (or in emergencies by calling 999) and to the Licensing Authority.

Vehicles

All Licensed drivers are responsible for ensuring their vehicle is safe to carry members of the public and must refrain from driving it if there are any physical/mechanical concerns.

All concerns must be reported to the Private Hire Operator or the vehicle proprietor/owner as soon as practicably possible by the Driver.

The Vehicle must not be used until the concerns have been rectified.

For further information please refer to Section 6 at page 21.

Driver Hours

There are no direct controls over the hours that Hackney Carriage and Private Hire drivers can work. There are, however, limits applicable to drivers and crews of heavy goods vehicles or public service vehicles.

The Licensing Authority deem that the number of hours worked by drivers can impact public safety and as a result seeks to promote the same limits, namely:

- An average of 48 hours per week calculated over a 17 week period normally;
- In any single week up to 60 hours providing the 48 hour limit is maintained;
- Night work is limited to 10 hours per night unless there is an agreement to work longer hours;
- Working between 6 and 9 hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes. Breaks must be of at least 15 minutes in duration.

The Licensing Authority recommends that these requirements are used as a guideline to ensure drivers are fit to drive and that public safety remains paramount at all times.

6 Hackney Carriage and Private Hire Vehicles

6.1 Application process

The Licensing Authority will consider all applications for vehicle licences on their own merits. The conditions for dealing with applications for Hackney Carriage and Private Hire vehicles are set out in Appendix F.

Application Process:

The applicant should ensure that the vehicle complies with the Council's policies, details of which can be found at appendices E and H.

1. A vehicle will only be licensed if it satisfies the requirements of the Ashfield District Council vehicle inspection checklist.
2. The inspection is arranged by the applicant/vehicle owner. The inspection fee must be paid before the vehicle can be inspected.
3. Renewal of a vehicle licence should be received by the Licensing Team before the expiry of the current licence.
4. Where the licence has expired the application will be treated as a new application and the terms and conditions relating to new vehicles etc. will apply.
5. Applicants should present the following when making an application.
 - The fee
 - Completed application form
 - Vehicle registration certificate/proof of purchase
 - MOT certificate (required for vehicles more than 12 months old)
 - Insurance certificate – Insurance must cover use of the vehicle for hire and reward either public or private
 - Inspection pass certificate from the Council's depot
 - Any previously issued plates by the Licensing Authority

6. Where vehicles do not comply with the Council's conditions, e.g. applications for licensing of a vehicle in exceptional condition, additional information relative to the application may be requested.

General Information:

1. Vehicles may be licensed as Hackney Carriages or Private Hire Vehicles provided that the vehicles comply with the requirements contained in this guidance.
2. An Ashfield private hire vehicle licence will not be issued to a vehicle which looks like a hackney carriage in any way.
3. An Ashfield licensed vehicle may only be driven by an Ashfield licensed Hire Vehicle Driver. This applies to all vehicles including private use of the vehicle (e.g. shopping etc.)
4. An MOT certificate is required for all licensed vehicles acting as hire vehicles where the vehicle is over 12 months old.
5. The MOT certificate cannot be older than 1 month when presented to the Council for licensing a vehicle.
6. Attention should be given to the vehicle specification, age restrictions and the supplementary testing manual before purchasing a vehicle.
7. In order to operate an Ashfield Private Hire Vehicle you must hold a Private Hire Operators Licence or work through a licensed operator.
8. A wheelchair accessible Hackney Carriage when working on any taxi rank must be able at all times to carry wheelchair users and be wheelchair accessible. All fastenings, ramps and equipment must be carried to accommodate wheelchair passengers and be configured with the agreed seating layout to accommodate wheelchair users.
9. A Hackney Carriage or Private Hire vehicle licensed with Ashfield District Council cannot be licensed with any other Council (Dual Licensed). Should the owner or operator wish to licence the vehicle with another Council the Ashfield Licence must be surrendered and the licence plate returned to Ashfield District Council.

If you need any more information please contact the Licensing Team on 01623 457589.

6.2 Grant and renewal of licences

The vehicle must be submitted for a test at the appointed test station.

For a renewal application the application form, supplementary paperwork and fee must be submitted to the Licensing Authority before the date of the expiry.

It is the applicant's responsibility to ensure that the vehicle is tested prior to the submission of the application.

If either the application form and corresponding paperwork or the vehicle test (in which the vehicle passes) is not completed prior to the expiry date, the vehicle licence will not be renewed.

Applicants will have a right of appeal if a vehicle licence is not renewed, however, there must be evidence of the exceptional circumstances.

Once the vehicle licence has been issued, only licensed drivers will be permitted to drive the vehicle.

6.3 Age & Specification of Vehicles

Licensed vehicles must comply with the following and also the Council's supplementary testing manual. Details of the supplementary testing manual are set out in appendix H.

HACKNEY CARRIAGES

1. New Hackney Carriage Licences will only be issued for wheelchair accessible vehicles.
2. All new Hackney Carriages must be less than **two** years old on initial application.
3. The following upper age limits apply:
 - All vehicles must be replaced when they reach 12 years of age.
 - Replacement vehicles must be younger than the vehicle they replace but in all cases they cannot be any older than **eight** years old from the date of first registration.
 - Existing Hackney Carriages that are **not** wheelchair accessible may be replaced with a non wheelchair accessible vehicle (e.g. saloon)
 - Existing Hackney Carriages that are wheelchair accessible **must** be replaced with a vehicle that is younger than that vehicle but in all cases the replacement vehicle cannot be not more than 9 years old from date of first registration **and** must also be wheelchair accessible vehicle.

4. All new or replacement vehicles to have M1 whole type approval except in exceptional circumstances. Those vehicles without M1 whole type approval will be considered individually.
5. Licence applications for vehicles in exceptional condition which are outside of the Council's policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must provide an independent auto engineer's report for vehicles outside of the Council's age restrictions. This report is in addition to the Council's mechanical inspection. An additional fee will be charged for vehicles outside of the Council's policies to cover additional administration (See Schedule of Fees).

A Hackney Carriage licence will not be granted in respect of a minibus under any circumstances. Applications for other types of vehicle constructed or adapted to carry up to 8 passengers plus the driver will be considered on merit. (Public Carriage Office approved London style cabs will be acceptable).

PRIVATE HIRE VEHICLES

1. All new Private Hire Vehicles must be less than **two** years old on initial application.
2. The following upper age limits apply:
 - All vehicles must be replaced at 12 years old from date of first registration.
 - Vehicles that reach 12 years old or younger from the date of first registration must be replaced with vehicles that are younger in age but in all cases the replacement vehicle cannot be any older than eight years of age from its first date of registration.
 - Existing Private Hire Vehicles that are wheelchair accessible must be replaced with a wheelchair accessible vehicle that is not more than **nine** years old from the date of first registration and in any case must be younger than the vehicle they are replacing.
 - Replacement vehicles must be newer than the existing licensed vehicle.
3. All new or replacement vehicles to have M1 whole type approval except in exceptional circumstances. Those vehicles without M1 whole type approval will be considered individually.

4. Licence applications for vehicles in exceptional condition which are outside of the Council's policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must provide an independent auto engineer's report for vehicles outside of the Council's age restrictions. This report is in addition to the Council's mechanical inspection. An additional fee will be charged for vehicles outside of the Council's policies to cover additional administration (See Schedule of Fees).

Specification for both Hackney Carriage and Private Hire Vehicles

Each case will be assessed on its own merits. Applications for vehicles which fall outside the Council's policy, for example by age and type of vehicle, may be dealt by way of an exceptional condition.

1. The vehicle must comply with the Council's current age policy.
2. The vehicle must comply in all respects with the requirements of:
 - the Motor Vehicle (Type Approval) Regulations 1980
 - the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984
 - the Road Vehicles (Construction and Use) Regulations 1986 (C and U).
 - British and European Vehicle Regulations
 - "type approved" to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended.

Evidence must be produced to prove that the vehicle complies with M or M1 categories. Conversions which have not been "type approved" to M or M1 categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories.

3. All vehicles must be right hand drive.
4. The minimum engine capacity for the vehicle must be:
 - Petrol 1400cc
 - Diesel 1400cc
 - Dual fuel vehicles (Electric/Petrol or Electric/Diesel or Gas/Diesel, Gas/Petrol), Hybrid and Electric Vehicles will be considered on an individual basis on application
 - Engines less than 1400cc will be considered provided that they are at least 95bhp or 125ps or greater.
5. The vehicle must have four passenger doors which includes the driver's door, except purpose built vehicles.
6. Seating: (also see page 16)

- seating should be for not more than eight passengers [in addition to the driver];
 - seating should be properly cushioned or covered;
 - rearward facing seats over or rearward of the rear wheels and axles having normal access only through a rear door will not be permitted;
 - folding or moving seats which are so constructed to provide access to other seats to which there is no direct access will not be permitted;
 - sideways mounted seats will not be permitted.
7. The vehicle must have at least one window on each side capable of being opened and closed.
8. The floor must be covered with a suitable carpet, mat or other floor covering.
9. The vehicle must have at least two doors for the use of passengers other than the drivers' door without the need to fold down or fold away other seats in order to gain access into or from the vehicle. An effective means must be provided whereby passengers being conveyed in the vehicle may open each door.
10. Manufacturers gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kg per passenger); and where propane or Liquid Petroleum Gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit.
11. Wheels and Tyres:
- Vehicles must have four road wheels fitted with manufacturers recommended size tyres.
 - A spare tyre of the same type as fitted to the road wheels, or a manufacturers space saver, (Emergency tyre inflation kits WILL NOT be accepted)
 - The tread pattern shall be a minimum of 2mm in depth throughout the complete circumference and breadth of the tyre.
 - Jacking equipment and a wheel brace, as issued by the manufacturer or similar, must be provided. Trolley jacks are **not** acceptable.

12. A permanent roof which is watertight.
13. A separate locking luggage area (i.e. boot), or in the case, of an Estate or People carrier a protection grille or shelf must be fitted sufficient to prevent luggage being carried from coming into contact with persons travelling in the vehicle.
14. Seat belts must be fitted for all seats.
15. Nearside and offside exterior rear view mirrors.
16. Hackney Carriages must have an appropriate taxi sign bearing the word "TAXI" on the front and Ashfield District Council on the rear, unless a sign is manufactured into the body work of the vehicle, in which case Ashfield District Council must be displayed on the rear of the vehicle.
17. Hackney Carriages must have an appropriate taxi meter, positioned where it can clearly be seen by the passengers in the vehicle.
18. Hackney Carriages must also have sufficient means by which a passenger can communicate with the driver, and vice versa.
19. Where the vehicle is more than 1 year old an M.O.T certificate must be produced each year on renewal of licence.
20. The fittings and furniture shall be kept in a clean and well maintained condition fit for public service at all times.
21. Vehicles shall have a clean and smart appearance both externally and internally.

Additional Information for Wheelchair Accessible Vehicles

When assessing whether or not a vehicle is wheelchair accessible the Council will have reference to the informal consultation document entitled "The Government's proposals for taxis" for guidance.

1. The vehicle must comply in all respects with the requirements of:
 - the Motor Vehicle (Type Approval) Regulations 1980
 - the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984
 - the Road Vehicles (Construction and Use) Regulations 1986 (C and U).
 - British and European Vehicle Regulations

- "type approved" to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended.

Evidence must be produced to prove that the vehicle complied with M or M1 categories. Conversions which have not been "type approved" to M or M1 categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories.

2. Vehicles offered for approval must be so constructed as to facilitate the carriage of disabled persons and be capable of accommodating a disabled person in a wheelchair in the passenger compartment.
3. New or replacement vehicles may be either side or rear loading.
4. No fittings, other than those approved, may be attached to or carried on the inside or outside of the vehicle.
5. Tyres and equipment
 - All tyres of purpose built vehicles must comply with the requirements of C & U Regulation
 - Jacking equipment and a wheel brace, as issued by the manufacturer or similar, must be provided. Trolley jacks are **not** acceptable.
 - A spare tyre or factory fitted space saver must be carried, emergency tyre inflation kits are not acceptable.
6. All licensed Hackney Carriages that are Wheelchair Accessible Vehicles, when operating from a Taxi rank or plying for hire **MUST** at all times be capable of carrying a passenger seated in a wheelchair, they must carry all ramps and seat harnesses and comply to the agreed seating layout (if appropriate) for that vehicle.
7. All licensed Hackney Carriages or Private Hire vehicles that are wheelchair accessible vehicles must display a printed notice supplied by the Council, on the inside of the windscreen at the bottom nearside corner, adjacent to the tax disc and clearly readable from outside of the vehicle, identifying the vehicle as being a Wheelchair Accessible Vehicle.
8. When a Wheelchair Accessible vehicle is booked in to the Council workshop for its annual inspection or six month inspection, at the time of booking the vehicle in, the workshop must be informed that the vehicle is a wheelchair accessible vehicle.

6.4 Insurance

All insurance documents must be produced before a licence can be issued by the Licensing Authority, namely:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A cover note will be accepted and the plate will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity. However, the paper licence will not be issued until this has been received.

The Licensing Authority will undertake periodic audits of licensed vehicles to ensure that the vehicle is insured.

For a Hackney Carriage Vehicle the certificate of insurance must cover 'public hire'

For a Private Hire Vehicle the certificate of insurance must cover for 'private hire/hire or reward'

6.5 Conditions

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of Hackney Carriage or Private Hire Vehicle licences. The standard conditions are attached at appendix G for Hackney Carriage and Private Hire Vehicles.

6.6 Identification of vehicles as Hackney Carriage and Private Hire Vehicles

The Licensing Authority requires it to be clear to the public that a Hackney Carriage and Private Hire vehicle is licensed.

Consequently, the Licensing Authority requires vehicles to be clearly identifiable and as such the following will apply.

a) Hackney Carriage

- It must have an illuminated sign on the roof bearing the word TAXI on the front and Ashfield District Council on the rear; and
- Must display their Licence Plate on the rear of the vehicle.

b) Private Hire Vehicles

- By law a private hire vehicle cannot have the appearance of a Hackney Carriage and:
 - must not have a top sign/light; and
 - must display signs on the front doors of the vehicle identifying the private hire firm giving the name and contact number; and
 - must display a sign indicating 'advanced bookings only'.

c) Signage

There are signage requirements that must be complied with for Hackney Carriage and Private Hire Vehicles – please refer to part 6 of appendix G.

It includes:

- the permitted position of licence plates & top signs
- positioning of permanent door signs for vehicles
- required wording for door signs on vehicles
- requirements for the display of notices in vehicles
- other notices/markings that the Council will require licensed vehicles to display
- advertising restrictions

6.7 Tyres

Tyres are the vehicle's only point of contact with the road and as a result it is a requirement for them to be in a roadworthy condition. The following are applicable:

1. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout complete circumference and breadth of the tyre.
2. Tyres fitted to the vehicle must be free from any defects which might damage the road or endanger any person and must be fit for purpose, including:
 - be compatible with the types of tyres fitted to the other wheels,
 - not have any lump, bulge or tear caused by separation or partial failure of the structure,
 - not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
 - not have any part of the ply or cord exposed.
 - must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.
3. All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to

retain invoices / receipts to show that any tyre that is purchased meets this requirement and the vehicle registration should be noted on the receipt.

4. The fitting of part worn tyres to licensed vehicles is not permitted.
5. 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.
6. Tyre inflation kits are not permitted to be used or carried.

6.8 Accidents

If at any time the vehicle is involved in an accident/incident, however minor, the driver must inform the Licensing Authority as soon as possible and in any event within 72 hours of the incident/accident in writing. Emails can be sent to licensing@ashfield0dc.gov.uk.

The vehicle must be presented for inspection to the Council as soon as possible after the accident has taken place – an appointment will be arranged upon notification to the Licensing Authority. Failure to present the vehicle could result in the vehicle's licence being suspended and/or revoked.

The Licensing Authority may, at any time, request that a vehicle be tested. The vehicle should not be used for hire or reward until the Licensing Authority has confirmed it is satisfied that the vehicle is fit for use. The licence may be suspended in the interim. If, following an inspection, it is deemed that the vehicle is not, fit for use and/or, roadworthy then the vehicle licence may be suspended.

If the vehicle is significantly damaged/not roadworthy, or is being assessed by an insurance company, then the vehicle proprietor must inform the Licensing Authority as soon as possible and in any event within 72 hours. In these cases the proprietor should provide photographic or other evidence to justify why the vehicle is unable to be presented for examination. Failure to do so may result in the licence being suspended and/or revoked.

6.9 Vehicle examination and testing requirements

The Hackney Carriage and Private Hire vehicles examination and testing requirements are:

Any new or replacement vehicles must first pass a Compliance Test before an application can be submitted;

All licensed vehicles must pass a compliance test every 6 months;

The test must be undertaken by the vehicle examiners at the Northern Depot, Station Road, Sutton-in-Ashfield Testing Station and these tests must be pre-booked. Further guidance can be found at appendix H.

6.10 Meters

All Hackney Carriages must be fitted with a meter.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.
- In the case of Private Hire Vehicles, any scale of charges provided by the operator of the vehicle.

Meters will be checked for accuracy by a measured mile distance or by waiting time.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals may result in suspension and/or revocation.

Private Hire Operators and/or Hackney Carriage Drivers may agree the cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted must be the price charged – there is to be no deviation from this price without the agreement of the customer.

On occasions where a price has been not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

6.11 Advertisements on vehicles

No advertisements shall be placed on any vehicle licensed without the applicant receiving prior written approval from the Licensing Authority.

An application must be made in writing to the Licensing Authority with a copy of the advertisement. Further information can be found at paragraph 6 of appendix H.

6.12 Wheelchair accessibility

All members of the public should have reasonable access to Hackney Carriage and Private Hire services.

There are requirements for all wheelchair accessible Hackney Carriages. Please refer to the 'vehicle specifications and licence conditions' document. For further information please refer to paragraph 6.3 at page 23.

6.13 Taxi Ranks

A full list of the locations of the Hackney Carriage ranks and the times they are in use are available on the website or upon request.

Only Hackney Carriages licensed by Ashfield District Council should utilise the taxi ranks in the District.

Taxi ranks should only be used when Hackney Carriages are waiting for their next hire.

Hackney Carriages should not use taxi ranks as parking places.

Private Hire Vehicles are not permitted to go on taxi ranks.

Private Hire Vehicles must not allow customers to alight from their vehicle at a taxi rank.

Hackney Carriage Proprietors must take steps to actively encourage drivers on arriving at a rank/stand to:

- Where the rank is not already fully occupied by other Hackney Carriages the driver must:
 - Park the vehicle immediately behind the last vehicle on the stand and face in the same direction; and
 - Occupy the space previously occupied when the vehicle(s) immediately in front move on;
 - Drivers are required to turn off their engines whilst stationary on the rank in order to reduce any potential pollution.
- Where the rank is fully occupied by other Hackney Carriages
 - The driver must proceed to an alternative rank.

7.0 Fares

7.1 Hackney Carriages

The Hackney Carriage Table of Fares (“the tariff”) is set by the Council and states the maximum fare that can be charged by Hackney Carriage drivers for journeys within the District.

Lesser fares can be negotiated by the hirer for journeys.

The hirer may agree to the fare for a journey which ends outside the district being charged other than at the metered rate.

It is an offence for any person to charge more than the metered fare.

The Council may review the Hackney Carriage fare table from time to time. A notice of any variation to the maximum fare shall be advertised by the Council.

A table of authorised maximum fares will be provided to each Hackney Carriage licence holder, which must then be clearly displayed in each vehicle so that it is visible to all hirers.

Drivers must, if requested by the passenger, provide written receipts for fares paid.

7.2 Private Hire Vehicles

The Council does not set fares for Private Hire vehicles.

Best practice is to agree the fare prior to the commencement of the journey with the Private Hire Operator.

Drivers must, if requested by the passenger, provide written receipts for all fares paid.

8.0 Private Hire Operators

8.1. Introduction

Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority. When an Operator is unable to fulfil a booking due to unforeseen circumstances, it may pass that booking to another Operator to fulfil the commitment providing it is done so in accordance with the law.

The term 'operate' is defined at section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles.

Operators play a key role in ensuring that the public are kept safe, that drivers are suitably trained, experienced, supported to deliver a high quality service, ensure that vehicles are kept in a clean, safe and sound condition at all times.

Whilst it is accepted that operators will have less direct contact with the public than drivers (with the exception of receiving bookings for journeys), to ensure the safety of the public the Licensing Authority must apply similar checks when considering applications for licences. The Licensing Authority must be satisfied that prospective operators are fit and proper persons.

A licensed private hire vehicle must only be despatched to a customer by a Private Hire Operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle in line with the law.

8.2. Application process

Applications for Operator's licences must be made in writing using the approved application form. The detailed application procedure can be found at Appendix I.

- Where the application is being made by a single individual, the questions on the application form should be answered by that individual.
- Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants.
- Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors.

This is necessary and particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Licensing Authority must be satisfied as to the fitness and propriety of each and every applicant.

Before an application will be accepted the applicant must include the following:

- A basic DBS certificate;
- A certificate of good conduct (if applicable – see Appendix C);
- Proof that the applicant is legally permitted to work in the UK –a licence will not be issued for a period longer than that period the applicant is permitted to work;
- The safeguarding vulnerable people course certificate;
- The application fee (non-refundable);
- Any other documentation required to progress your application e.g. relevant insurance documents.

If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.

When all required documents and other information have been received, the application will be determined.

In accordance with the Interpretation Act, the term ‘person’ may apply to both individuals and bodies corporate and un-incorporate. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application. Where an application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.

Completed application forms (including any information in annexes required as part of the application) should be returned to the Licensing Authority along with the applicable fee.

Operator’s licences are non-transferrable. In the event of the control of a licensed business passing to a different person, it will be necessary for the new owner of the business to apply for a licence.

Determination

Applications can be refused at Officer level, in line with the scheme of delegation.

Where an application is to be heard by the Licensing Sub-Committee, the applicant will be given an opportunity to make representations, either in writing or orally at a meeting. All representations will be given full consideration prior to a decision being made in respect of the application.

The Licensing Authority will consider information from other sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory/non-statutory bodies.

Where an application is granted, a licence document will be issued to the applicant, which confirms their right to operate private hire vehicles. Licences will usually be granted for a period of 5 years. The Council does however reserve the right to grant licences for a shorter duration if deemed necessary in the circumstances.

Where an application is refused, suspended and/or revoked by the Licensing Authority, and the operator is aggrieved by the decision there is a right of appeal to a magistrates' court. Further details will be provided where applicable.

8.3. Fitness and propriety of applicants

In determining applications, the statutory test set out at section 55 of the 1976 Act is applicable, namely that the Licensing Authority "*shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence*".

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business.

In order to assess the suitability of an applicant the Licensing Authority will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is 'fit and proper' to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.

In assessing the suitability of an applicant or licence holder, the Licensing Authority will consider the following factors:

- Criminality
- Right to work
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).

In addition, the Licensing Authority may need to verify information or obtain further information from other sources such as the Police, other local authorities, statutory & non-statutory agencies and Boards such as the Children and Adult Safeguarding Boards.

All Operators are required to undertake and maintain evidence of checks that satisfy them that their drivers and/or vehicles are suitable, fit and proper to be used in the course of their business. Failure to ensure that appropriate checks are in place may have an adverse impact the operator's licence.

Examples of checks include:

- Ensuring vehicles are roadworthy;
- Monitoring the conduct of drivers;
- Good Record keeping
 - Driver hours
 - Vehicle maintenance
 - Vehicle checks
 - Training records

- Appropriate complaints handling
- Records of any public safety issues/concerns involving drivers and/or vehicles and the reporting of such concerns to the Licensing Authority;

8.4. Convictions

Whilst Operators come into contact with the public less frequently than drivers, they still play a critical role in ensuring the safety of public. In assessing an applicant's fitness and propriety, the Council will take into account any convictions or cautions for criminal offences when determining an application.

The effect of any convictions or cautions which are not considered to be 'spent' under the provisions of the Rehabilitation of Offenders Act will all be considered. A serious view will be taken where there are offences relating to dishonesty, financial impropriety, violence, substance misuse, abuse of a person with a protected characteristic, safeguarding offences or misconduct under taxi and private hire legislation. The convictions policy applicable to drivers will be used as a guideline when considering offences for Operators.

It shall be the duty of the Operator to inform the Licensing Authority of the following:

- (a) Any convictions incurred by them or any partner, director or company secretary during the period of the licence for any offence. They must be reported to the Council in writing within 7 days
- (b) Change of address, in writing within 7 days
- (c) Any other changes that could affect the licence

Private hire operators are not identified as an exempt profession under the Rehabilitation of Offenders Act 1974, and therefore the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full.

8.5. Licences

Any relevant licensing history relating to an applicant or operator will be considered by the Licensing Authority. Where appropriate, further information may be sought from any other relevant body. Consent from the applicant should not be unreasonably withheld.

Where consent is refused a licence will normally be refused.

It shall be the duty of the licensed Operator to ensure that the licences of all vehicles and drivers are valid and current.

The Licensing Authority will normally issue a Operators licence for a five-year period. The Licensing Authority does have the discretion to issue licences for a shorter period, if it considers this to be necessary in the circumstances.

8.6. Safeguarding Training

All new applicants will be required to attend and pass a Safeguarding Vulnerable Passengers training course prior to a licence being granted.

Current licence holders will also be required to undertake the training prior to their licence being renewed.

Failure to do so may request in immediate suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

The training will involve attending a session at a location approved by the Licensing Authority. At the end of the session all applicants will be required to pass a test.

Failure to pass the test will result in the licensee re-taking the training session and exam at their own cost and within a specified amount of time.

The initial test fee is included in the application fee. All re-tests will be charged in accordance with the fees set by the Council.

If an applicant is unable to pass the test after three attempts:

2. New applications and renewals will be refused;
3. Current Licences will be revoked.

8.7 Conditions

Under section 55(3) of the 1976 Act, the Council may attach such conditions to an operator's licence as are believed necessary.

The Council has adopted a schedule of conditions which will be attached to all licences issued. Additional conditions can be attached where deemed appropriate. These conditions are appended at appendix J.

Failure to comply with the conditions set out in this document may result in enforcement action (see paragraph 10.)

8.8 Right to work in the UK

Please refer to section 5.12

8.9 Operators Responsibility

The Operator shall at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that:

- a. when a vehicle has been hired to attend at an appointed time and place the vehicle shall unless delayed or prevented by sufficient cause attend punctually;

- b. premises provided by the Operator will be within the District or approved by the Licensing Authority and any waiting areas shall be kept clean, heated, ventilated, well-lit with adequate seating;
- c. any telephone facilities and dispatch equipment are maintained in an effective working order
- d. any complaints received by the Operator that could undermine public safety shall be referred in writing to the Licensing Authority, together with any action taken.
- e. all vehicles operated shall be maintained in a satisfactory and road worthy condition; and they shall ensure that any defects to vehicles are recorded and corrected as soon as possible.
- f. the Operator shall ensure, without prejudice to any other liabilities imposed under the Act, that all vehicles and drivers owned, controlled or operated in association with the Operator shall observe and perform the conditions of their licence.
- g. the Operator will monitor drivers working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi drivers hours, it is incumbent upon the Operator to ensure drivers do not work excessive hours and that they are fit to drive and thus will not put the public at risk. Guidance relating to driver hours can be found on the Councils website or is available upon request.

8.10 Planning

Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc.) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants seek advice from the planning authority prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.

Applicants must note that both planning and licensing requirements must be satisfied prior to the commencement of any operation.

8.11. Insurance

Operators are required to have the relevant insurance policies in place:

- Vehicle;
- Public Liability;
- Employers Liability (where applicable)

8.12. Trading names

Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.

While trading names are a matter for an Operator to determine, the Licensing Authority will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used in connection with the provision of private hire services in the area.

In particular, applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:

- An expletive, derogatory or offensive term
- A term associated with inequality
- A term with political implications
- A registered trademark (unless the applicant can demonstrate a right to use that mark)
- The trading name of an existing Private Hire Operator, either licensed in the Ashfield area, or trading in a neighbouring area
- The trading name used by a Ashfield hackney carriage proprietor, where the proprietor has previously notified the Council of the use of that name and the name has been used regularly since
- A name which implies official recognition or endorsement by the Council or another regulatory body
- A term in any language other than English which when translated would fall within any of the preceding categories.

Legally, only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators.

If, however, the operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

Should concerns arise about the suitability of a trading name, in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his application.

This section of the policy will not be retrospectively applied to any operator's trading name which has been continuously in use since before the 1st October 2016 (and where an operator's licence has been continually maintained in respect of this), but will apply to any new operator (including new applications made following the lapse of a previous licence) or new trading name applied by an existing operator.

8.13. Door signs and advertising

Under the council's standard conditions applying to vehicle licences, vehicles which are operated by an operator must display that operator's door signs in prescribed positions, at all times. The door signs must be of a design and colour scheme approved by the Council.

A sample or proof of the proposed door sign should accompany an initial application for an operator's licence, or if this is not possible, should be supplied to the Licensing Authority as soon as practicable following the confirmation of grant of the licence.

A door sign that has not been approved cannot be used on a vehicle. Proofs may be supplied either on paper or electronically. Approval of a design will not be unreasonably withheld, so long as the signage includes the required wording, is of a suitable size, and relates to the operating company's services only, and not to any other product or service.

Please refer to paragraph 6 of appendix G for further information.

8.14. Complaints / Records

Each Operator shall keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records shall be maintained for the duration of the Licence and should be available at all times for inspection by a Police or authorised Officer.

8.15. Exemptions

The Licensing Authority has considered requests from certain operators for their businesses or part thereof to be exempted.

Exemptions are only granted in exceptional circumstances and for specialist businesses, for example, those providing novelty vehicles such as stretch limousines and/or executive chauffeur businesses.

In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria set out in the preceding paragraph. The request must be accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.

Where exemptions are granted, the Licensing Authority reserves the right to impose additional conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternative.

All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Licensing Authority can no longer be satisfied that the exemption is necessary, or if there is evidence to suggest it is no longer suitable.

The Licensing Authority will not grant exemptions from the signage requirements for hackney carriages.

9.0 Fees

The Licensing Authority reserves the right to review its fees at any time. If varied, a notice of the variation will be published by the Council.

All relevant objections will be considered before a determination is made.

The current fees applicable are available on the website or upon request.

10. Communication & Information Security

Personal Information

In the course of their business, operators and/or drivers will be required to process and store various pieces of data, some of which will be personal data.

The processing and storage of this data will fall under the provisions of the Data Protection Act 1998, which will require certain measures to ensure the security of that data, and to prevent unauthorised breaches of the security, or usage of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).

Licensees are required to establish whether they need to register with the Information Commissioner's office as a data controller.

For further information on whether registration is required, please refer to the website of the Information Commissioner's Office, at www.ico.org.uk.

Radios

Where a Licensee maintains a radio network for use, the range and/or frequency used by the system may require a business radio licence¹ from Ofcom.

Operators will be asked to confirm whether they have satisfied this requirement on making an application. For further details please visit:

<http://licensing.ofcom.org.uk/radiocommunication-licences/business-radio>

CCTV

Approval in writing must be obtained from the Licensing Authority before CCTV equipment is installed and used in the vehicle.

Each system must be registered with the offices of the Data Protection Registrar with proof of registration supplied to the Licensing Authority before the system can be used.

Any material recorded on the equipment shall be used only as evidence in court proceedings or to aid investigation of a crime or to confirm or rebut complaints made against the driver.

Material captured by the system shall be accessible only to the Police, authorised Council Officers or the CCTV Operator.

The system should be of evidential quality, indicate the time and date and be retained for a period of 31 days if an incident has taken place.

The system must be operated in accordance with the Data Protection Act 1998.

The CCTV Operator must ensure recommended signage and appropriate contact details are displayed in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The CCTV Operator must ensure that the notices are maintained in a clean and legible condition.

11. Compliance and Enforcement

11.1 Enforcement

The principal purpose of Hackney Carriage and Private Hire licensing is to protect and promote public safety.

The Licensing Authority aims to provide the delivery of efficient, targeted and proportionate regulatory services and as such will monitor its licensees to ensure compliance.

The safety of passengers, pedestrians and other road users is paramount. Compliance assessments can be used to ensure that the driver and/or operator is a “fit and proper” person to hold a licence and/or the vehicle is safe.

The Council will investigate and respond to complaints made by the public and referrals from other agencies & bodies.

Officers will undertake proactive inspections and testing as either, day to day activity or as part of programmed operations.

Any breach of the required standards, policies and conditions may result in suspension, revocation and/or any other action deemed appropriate by the Licensing Authority e.g. warnings, suspension, revocation and/or prosecution.

The Licensing Authority has the power to suspend/revoke with immediate effect if it is necessary in the interests of public safety.

If a licensee or applicant is not happy with a decision of the Licensing Authority, an appeal may be lodged with the local Magistrates Court but this must be within 21 days being notified.

11.2 Suspension/Revocation of a licence

The Licensing Authority can suspend and/or revoke a licence in accordance with:

1. Section 60(1) Local Government (Miscellaneous Provisions) Act 1976 for vehicle Licences;
2. Section 61(1) Local Government (Miscellaneous Provisions) Act 1976 for driver Licences;
3. Section 62(1) Local Government (Miscellaneous Provisions) Act 1976 for operator Licences.

Notification of any such decision will be provided in writing to those affected.

In situations where there are concerns of public safety, the Licensing Authority will consider whether an immediate suspension and/or revocation is necessary in the circumstances. Where a decision is made to suspend and/or revoke with immediate effect, the driver cannot work during any appeal process.

11.4 Refusal to renew a licence

If a decision is taken to refuse to renew a licence and the applicant is not satisfied with the decision then an appeal can be made to the Magistrates Court with 21 days of receiving notification.

11.5 Prosecution of licence holders

The Licensing Authority reserves the right to prosecute licence holders for relevant offences:

11.6 Appeals

Where a right to appeal exists, the appeal can be made to the local Magistrates Court but must be within 21 days of notification.

11.7 Service Requests and Complaints

Members of the public can submit any service requests, complaints and/or concerns about licensed drivers, vehicles and/or operators in writing to the Licensing Department at:

Ashfield District Council
Urban Road
Kirkby-in-Ashfield
Nottinghamshire
NG17 8DA

If a complaint is not about a licensee then the Council's corporate complaints procedure can also be found on the website or is available upon request.

Appendix A

Private Hire and Hackney Carriage Drivers Application procedure

Ashfield District Council [“the Licensing Authority”] will only issue licences to applicants it considers to be ‘fit and proper’ to hold a licence.

1. As part of the application process the applicant must attend and pass the knowledge test. The initial application fee includes the initial test and is non-refundable upon failure. If the applicant fails the test, then they may retake it at a later date. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure. If an applicant fails the re-test after retaking it for a third time they will not be permitted to take the test again until at least 12 months have passed since the date of the most recent failure.
1. An application should be made on the approved form. The form must be completed in full, honestly, accurately and signed by the applicant.
2. Applications will only be accepted from applicants that have held a full driving licence for at least one year. The driving licence must have been issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). Applicants that hold full EC or EEA licences for at least one year will have the length of time that they have held such licences taken into consideration, however holders of these licences will only be issued with a licence for 12 months – the licence will not be renewed unless the EC or EEA licence is exchanged for a full UK licence (as required by national legislation).
3. Applicants will be required to obtain an Enhanced Disclosure Certificate from the Disclosure and Barring Service. The contents of this certificate will be assessed in accordance with the Licensing Authority’s policy on convictions in determining the fit and properness of the applicant.
4. A Licence will not be granted unless the applicant is able to provide at least five years UK address history except in the following cases:
 - The applicant is able to provide a document from an EU member state, which is the equivalent of a UK issued Enhanced DBS Certificate
 - If this cannot be provided then an official document provided by the embassy of a non-EU member state will be acceptable, provided that the document can be verified and is comparable to a UK issued Enhanced DBS Certificate
 - In either of the cases above, the onus is on the applicant to obtain such a document, and the applicant remains liable for all associated costs.
5. Applicants must agree to the Licensing Authority verifying their DVLA driving licence, and will require the applicant to give their consent to such a check being carried out.

6. Applicants are required to undergo a medical which meets “Group 2” standards with a medical provider approved by the Licensing Authority. . A medical to Group 2 standards will be required on first application and then every five years from the age of 45. On reaching the age of 65 a medical will be required annually and therefore a licence will only be issued. It should be noted that the Licensing Authority may also request a medical at any other time it feels may be necessary to ascertain a persons’ fitness to drive a licensed vehicle.
7. Before a new licence is granted the applicant will also be required to undertake, and pass a test following the, Safeguarding Vulnerable people training. Applicants can undertake the training at the Councils’ offices or at a neighbouring Council who provide the same training course. Failure to pass the test will result in the application being refused. Applicants are permitted to re-take the test up to three times
8. Applications should include the following:
 - Two recent colour passport standard photographs that are a good likeness of the applicant;
 - A DVLA driving photo-card (where applicable);
 - A completed DVLA mandate;
 - A completed DBS disclosure with and all the identification documents required as part of the DBS check (unless Appendix B is applicable)
 - A certificate of good conduct (if applicable).
 - Proof that the applicant is legally permitted to work in the UK –a licence will not be issued for a period longer than that period the applicant is permitted to work.
 - Full Group 2 Medical Certificate or proof of exemption (if applicable).
 - The safeguarding vulnerable people course certificate.
 - Knowledge Test certificate
 - The application fee (non-refundable)
 - Any other documentation required to progress your application.
9. The Licensing Authority will only consider an application when it has received all relevant documentation.
10. In certain cases, applications may need to be referred to the Licensing sub-committee or any other officer with the appropriate delegations. In these cases the Licensing sub-committee/officer with the delegation will make a decision on the application.
11. It is the responsibility of the applicant to ensure a renewal application is made prior to the expiry of an existing licence. Failure to do so will result in the driver being treated as a new driver and will be required to submit an application on this basis before a licence will be issued.

Right of Appeal

12. Where an application is refused at officer level, the applicant will be given an opportunity to make representations, either in writing or orally at a meeting with an officer with the appropriate delegations or the Licensing sub-committee where appropriate. Any representations will be given full consideration prior to a decision being made in respect of the application.
13. Where an applicant is still not satisfied there will be a further a right to appeal to the local Magistrates Court within 21 days of notification.

Appendix B

Disclosure and Barring Service (DBS) procedure and Declaration

Drivers will be provided with an application pack providing details of the DBS check process.

All applicants will be required to submit the evidence and completed application form for an Enhanced Disclosure. Once checked and approved by a member of the Licensing Authority, the form should be sent to the Disclosure and Barring Service.

The applicant will be invited to sign up to the DBS Update Service as this will allow the Licensing Authority to undertake annual checks (or more frequent checks if deemed appropriate) at a significantly reduced cost to the applicant.

The applicant will be sent a printed DBS disclosure certificate which they will be required to provide to the Licensing Section.

A licence will not be issued without the Licensing Authority having received a copy of the DBS certificate.

Once a DSB certificate is received the applicant has period of 14 days to subscribe to the DBS update service.

The Licensing Authority requires all drivers to undergo a DBS annually on the anniversary of the grant of the licence or upon renewal. Signing up to the DBS update service will enable the Licensing Authority to undertake this check on behalf of the applicant. If this service is not subscribed to, it will be the responsibility of the Applicant to ensure a DBS certificate is available at the date of the anniversary.

Declaration

When submitting an application for the grant or renewal of a combined Hackney Carriage/Private Hire Vehicle Licence, applicants are required to declare any convictions they may have.

For the purpose of these guidelines, simple and conditional cautions, reprimands, warnings, endorsable fixed penalties, and any other offences should be declared and shall be treated as convictions for the purposes of these applications.

For convictions or fixed penalties for offences concerning the driving or keeping of a motor vehicle, relevant details are required for the five year period preceding the date of the application.

For criminal offences, details are required in respect of ALL offences no matter how old.

Applicants should be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, applicants for a licence are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions.

The Licensing Authority will in all cases verify an applicant's identity and require a criminal record check (DBS) to be undertaken. Where the check reveals that the applicant has a record of convictions or cautions and warnings the Licensing Authority will consider:

- The nature and seriousness of offence
- When the offence was committed
- The age of the applicant when the offence was committed
- Any other factors which might be relevant

The Licensing Authority will seek intelligence and corroborate information provided within the applications forms from all 'approved sources' such as the Police, Statutory and non-Statutory Agencies, Social Services Alcohol and Drug Rehabilitation Units, Child Protection Agency, G.P's. etc.

All convictions will considered in line with the District Council's Policies and Guidelines for a Combined Hackney Carriage / Private Hire Vehicle Drivers Licences – see Appendix D.

The applicant is required to inform the Licensing Authority of any charges, warnings, convictions etc. during the period the licence is held. This must be as soon as practicably possible. Failure to do so within a reasonable period of time could result in the licence being reviewed.

Any applicant refused a driver's licence on the ground of previous criminal convictions will be informed in writing and given the opportunity to have that decision referred to an officer with the appropriate delegations and/or a Licensing Sub-Committee where appropriate for it to be re-considered.

If the applicant is refused a licence on the grounds that he/she is not a fit and proper person to hold such licence he/she will be informed in writing and advised of his/her right of appeal to a Magistrates' Court. Any appeal must be made within 21days of being notified of the Council's decision.

Appendix C

GUIDELINES RELATING TO CRIMINAL CHECKS FOR PEOPLE WHO HAVE SPENT TIME OUTSIDE OF THE UK – CERTIFICATE OF GOOD CONDUCT

Where an applicant/driver has been absent from the UK, a Disclosure and Baring Service (DBS) check would not be sufficient evidence of his/her criminal record.

All applicants/drivers (including those renewing a licence) must complete as part of the application form a questionnaire in order to ascertain what time, if any, the applicant has spent resident outside of the UK since the age of 10.

Under s.57 Local Government (Miscellaneous Provisions) Act 1976 it is an offence to knowingly or recklessly make a false statement or to omit information required by the Licensing Authority.

Applicants/drivers who have been resident in any other country or countries for 6 months or more will be required to provide a Certificate of Good Conduct from each country (unless previously seen by this Authority). For these purposes, a "Certificate of Good Conduct" means an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority in the relevant country testifying to good conduct or to any criminal convictions recorded against the individual.

The Licensing Authority may wish to approach the relevant Embassy or appropriate Body directly to verify the documents provided. The applicant/driver will be advised of any costs to be incurred and these costs must be met by the applicant/driver. Consent should not be unreasonably withheld.

Where necessary documents must be translated into English or another language by a translator approved by the Licensing Authority. The cost of obtaining an appropriate translation must be met by the applicant/driver.

All applicants/drivers who have been resident in the UK will be required to obtain an enhanced DBS check for the period of time they have been resident in the UK.

Applicants/drivers who are unable to provide the necessary DBS check or Certificates of Good Conduct to the satisfaction of the Licensing Authority, may be unable to satisfy the licensing authority that they are a fit and proper person to hold a driver's licence and the application may be refused or any existing licence may be suspended/revoked.

Any person aggrieved by a decision of the Licensing Authority has the right of appeal to a Magistrates' Court. Such appeal must be made within 21 days of being notified of the Licensing Authority's decision.

Appendix D - Convictions Policy

1. Introduction

- 1.1 This policy provides guidance to the Licensing Authority (and its Committee/ Sub-Committee and/or authorised officers) on considerations when determining whether an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator Licence. Any decision made by the Licensing Authority/Committee(s) will be on the balance of probabilities and will not be required to meet the 'beyond all reasonable doubt' standard of proof.
- 1.2 It is the responsibility of the Licensing Authority, Ashfield District Council (referred to as the Council hereafter) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty the Council will consider the safety of the public as its primary consideration.
- 1.3 Public Safety is paramount and prior to granting a Licence, the Licensing Authority should ensure:
- That a person is a 'fit and proper' person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II);
 - That the person does not pose a threat to the safety of the public;
 - That the public are safeguarded from dishonest persons;
 - That the person does not pose a threat to the safety of children, young persons and vulnerable adults
- 1.4 The term "fit and proper person" for the purposes of licensing is not legally defined. In assessing whether an individual is 'fit and proper' the Licensing Authority should, but is not limited to, consider the following, and take any other relevant information into account:
- Criminality – including convictions and cautions
 - Warnings, reprimands and fixed penalty notices
 - Human Rights
 - Driving History including period of holding a driver's licence, number of endorsed driving licence penalty points and any other relevant information;
 - Right to work
 - Testing – Medical fitness, driving ability and any other relevant testing;

- The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of drivers hours
- The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process).
- Licensing history of existing/former licence holders;
- Complaints made against them to a Licensing Authority

The Licensing Authority may (where appropriate) seek information from other agencies including, but not limited to, the Police, other Authorities including Children and Adult Safeguarding Boards and other statutory bodies.

1.5 This policy will be applicable to any person with an interest in taxi and private hire licensing. In particular, but not exclusively, to:

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed
- The holders of Private Hire Operators licences
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates hearing appeals against local authority decisions

1.6 The Licensing Authority will ensure that each case is considered on its individual merits. The Policy may be departed from but this should be proportionate and justifiable in the circumstances. If an applicant has been convicted of a criminal offence(s), the Licensing Authority is not permitted to review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)]

1.7 In this policy the word "conviction" includes convictions and cautions.

1.8 In this policy "date sentence has ended" is taken to be the date at which the whole of the period as sentenced by the court has elapsed (and not necessarily the length of time served by the applicant). For example, if a sentence is five years imprisonment but the applicant only served 3 years, the date that the sentence ends will be five years from the date of sentencing. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term "since completion of sentence" is to be construed in a similar way to "date sentence has ended".

1.8 In this policy the word “applicant” refers to new applicants and existing licence holders.

2 General Policy

2.1 Whilst the Licensing Authority may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, the applicant would normally be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
- b. Evidence that they are a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).

2.2 The Licensing Authority may depart from the guidelines provided in this policy where it is proportionate and justifiable in the circumstances. Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.3 Outstanding Charges or Summonses

- If the Licensing Authority is notified of an outstanding charge or summons which could pose a risk to public safety the Licensing Authority may suspend, revoke or adjourn the application until proceedings have been concluded or information is provided which satisfies them that the risk no longer exists.
- Each case will be determined on its own merits;

2.4 Non-conviction information

If the Licensing Authority receives information which suggests an applicant/existing licence holder could pose risk to the public safety, consideration should be given to refusing/revoking the application.

2.5 In making a determination, public safety of the public must be a paramount consideration for the Licensing Authority.

2.6 Where an applicant has had a Hackney Carriage/Private hire driver’s licence revoked by another Licensing Authority, this Licensing Authority will not normally grant a licence until at least twelve months has elapsed since the revocation.

3. Powers & Requirements

- 3.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow a Licensing Authority to suspend, revoke or refuse to renew a licence if:
- 3.1.1 the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence;
 - 3.1.2 failure to comply with the provisions of the Town Police Clauses Act 1847;
 - 3.1.3 failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
 - 3.1.4 or any other reasonable cause.
- 3.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, permits a Licensing Authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. The Licensing Authority will consider all relevant convictions, particularly where there is a history of offending or a pattern/repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.
- 3.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to be satisfied that an applicant licence is a "fit and proper" person to hold such a licence. If, however, an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will consider:
- 1. How relevant the offence(s) are to the licence being applied for
 - 2. How serious the offence(s) were
 - 3. When the offence(s) were committed
 - 4. The date of conviction
 - 5. Circumstances of the individual concerned
 - 6. Sentence imposed by the court and the Judges reasons (obiter dicta) for coming to that decision
 - 7. The applicant's age at the time of conviction
 - 8. Whether they form part of a pattern of offending
 - 9. Any other character check considered reasonable (e.g. personal references)
 - 10. Any other factors that might be relevant, for example:

- (a) The previous conduct of an existing or former licence holder,
 - (b) Whether the applicant has intentionally misled the council or lied as part of the application process,
 - (c) Information provided by other agencies / council departments.
- 3.4 Existing Licence Holders of driver's licences are required to notify the Licensing Authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.
- 3.5 Applicants can discuss further the implications of a caution/conviction may have on any application or existing licence with the Licensing Service.
- 3.6 The Licensing Authority requires an enhanced disclosures from the Disclosure and Barring Service (DBS) for any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will also be required to provide an enhanced DBS at their own expense on application and at any other time as determined by the Licensing Authority. Alternatively, a subscription to the update service is available.
- 3.7 The Licensing Authority will use all information available to it when determining applications or an entitlement to continue holding a licence. The Licensing Authority may (where appropriate) seek information from other agencies including, but not limited to, the Police, other Authorities including Children and Adult Safeguarding Boards and other statutory bodies.
- 3.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Section 57(3) Local Government (Miscellaneous Provisions) Act 1976 stipulates where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 3.9 For renewal applications and current licence holders this policy will be applied retrospectively.
- 3.10 If an offence/information is not covered by this Policy it will not preclude the Licensing Authority from taking it into account.

4 Immediate revocation/suspension of driver's licence

- 4.1 If the Licensing Authority makes a decision to revoke or suspend a driver's licence, it will be required to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 The Licensing Authority can only suspend/revoke with immediate effect if it is in the interests of public safety to do so.

- 4.3 Before making determination, where it is practicable to do so, the Licensing Authority should provide the licence holder an opportunity to make representations. It may not be practicable to do so in circumstances where public safety is at risk.
- 4.4 The overriding consideration is the safety and protection of passengers and the general public.
- 4.5 Matters such as employment status and personal circumstances should not be taken into account when determining whether an applicant is fit and proper to hold a licence and would not in any event outweigh the public safety factor.
- 4.6 Where the Licensing Authority has decided that a licence-holder is no longer “fit and proper” to hold a licence, for public safety reasons, the presumption will be that the revocation of the licence shall have immediate effect.
- 4.7 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

4.8 Appeals

A right of appeal exists where a decision has been made to refuse, revoke or suspend a licence because the fit and proper test has not been satisfied.

All appeals should be lodged at the Magistrate’s Court within 21 days of the notice of refusal/decision being received The [Local Government (Miscellaneous Provisions) Act 1976, s77(1)].

Where a decision is made to suspend and/or revoke with immediate effect, the driver cannot carry on its business during any appeal process [Local Government (Miscellaneous Provisions) Act 1976, s77(3)]

5. Offence considerations

This section deals with offences and will applies to **new, renewal and review** applications for Drivers and Operators Licences..

5.1 Serious offences involving violence

Licensed drivers have close regular contact with the public. A serious view will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

5.2 Unless there are exceptional circumstances a licence will **not normally** be granted where the applicant has a conviction for an offence such as:

1. Murder
2. Manslaughter
3. Manslaughter or culpable homicide while driving
4. Terrorism offences
5. Kidnapping or abduction
6. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.3 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below and at least **10 years** have passed since the completion of any sentence and /or licence period:

1. Arson
2. Malicious wounding or grievous bodily harm which is racially aggravated
3. Actual bodily harm which is racially aggravated
4. Grievous bodily harm with intent
5. Robbery
6. Possession of firearm
7. Riot
8. Assault Police
9. Common assault with racially aggravated
10. Violent disorder
11. Threats to kill
12. Resisting arrest
13. Hate crime against a person
14. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and at least **5 years** have passed since the completion of any sentence and/or licence period:

1. Racially-aggravated criminal damage
2. Racially-aggravated offence
3. Hate crime against property
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and at least **3 years** have passed since the completion of any sentence and/or licence period:

1. Common assault/Battery

2. Assault occasioning actual bodily harm
3. Affray
4. S5 Public Order Act 1986 offence (harassment, alarm or distress)
5. S.4 Public Order Act 1986 offence (fear of provocation of violence)
6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
7. Obstruction
8. Criminal damage
9. Harassment
10. Offences involving anti-social behaviour
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.6 A licence will not normally be granted if an applicant has more than one conviction in the last **10 years** for an offence of a violent nature.

5.7 In the event of a licence being granted, despite convictions against the Applicant, a strict warning both verbally and in writing should be issued. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

5.8 Possession of a weapon

If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least **3 years** must have passed since the completion of the sentence, before a licence is granted.

5.9 Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will **normally be refused a licence upon application, renewal or review.**

Such offences include:

1. Rape
2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
5. Making or distributing obscene material
6. Possession of indecent photographs depicting child pornography.
7. Sexual assault
8. Indecent assault
9. Exploitation of prostitution
10. Any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.10 In relation to indecency offences, an applicant should be free of conviction for at least **5 years** (or at least **5 years** must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction for an offence such as:

1. Making indecent telephone calls
2. Importuning
3. Indecent exposure
4. Soliciting (kerb crawling)
5. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.12 A licence will **not normally be granted** if an applicant has more than one conviction for an indecency offence.

5.13 In addition to the above the licensing authority will **not normally grant a licence** to any applicant who is currently on the Sex Offenders Register or any other similar register.

5.14 Dishonesty

A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

5.15 In general, a minimum period of **3 years** free of conviction or at least **3 years** have passed since the completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

1. theft
2. burglary
3. fraud
4. benefit fraud
5. handling or receiving stolen goods
6. forgery
7. conspiracy to defraud
8. obtaining money or property by deception
9. other deception
10. taking a vehicle without consent
11. or any similar offences (including attempted or conspiracy to commit) offences which replace the above

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

5.17 Alcohol and Drugs

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

- 5.18 In addition, the applicant will normally be required to show a period of **10 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic.
- 5.19 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 5.20 A licence will not normally be granted where the applicant has more than one conviction for offences related to the supply of drugs and has not been free of conviction for **10 years**.
- 5.21 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for **5 years**.
- 5.22 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last **3-5 years** may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 5.23 If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of **5 years** free from drug taking after detoxification treatment.

5.24 Driving offences involving the loss of life

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted if the applicant has a conviction for:

1. Causing death by dangerous driving
2. Causing death by careless driving whilst under the influence of drink or drugs
3. Causing death by driving: unlicensed, disqualified or uninsured drivers
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.25 Before a licence is granted, an applicant should be free of conviction for **10 years** (or at least **10 years** must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:

1. Causing death by careless driving
2. Causing death by driving: unlicensed, disqualified or uninsured drivers.

5.26 Driving offences involving alcohol and/or drugs

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink-driving offence, at least **5 years** free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

5.27 More than one conviction for this type of offence or one such offence within the last **5 years** is likely to merit refusal.

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

5.28 Schedule one sets out the traffic offences related to in this section.

5.29 Major Traffic Offences

Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within **6 months** prior to the date of the application the application will normally be refused.

5.30 In cases of disqualification at least **3 years** free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.

5.31 Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than **2 years** prior to the application.

5.32 Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.

5.33 Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be

revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.

5.34 A list of offences to which this section applies is attached as Schedule two

5.35 Minor Traffic Offences

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. If there are several minor traffic offences the applicant will normally be expected to show a period free of conviction of at least 6 months.

5.36 An application with a points total **above 7** will merit further consideration. A licence will normally be refused where the applicant has **12 or more penalty points** on his DVLA licence for minor traffic offences but has not been disqualified from driving.

5.37 Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.

5.38 Generally, a period of **12 months** free from conviction must have elapsed from the restoration of the DVLA licence.

5.39 Where an existing licence holder is disqualified from driving the licence will normally be revoked under delegated powers.

5.40 A list of offences to which this section applies is attached as **Schedule three**

5.41 Totting Up Disqualifications

5.42 Where a number of traffic offences has resulted in a driver receiving **12 penalty points** or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a "totting-up" disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between **12 months and 2 years** has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.

5.43 Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

5.44 Hybrid traffic offences

Offences of the type listed in Schedule three will be treated as **major** traffic offences if the court awarded **4** or more penalty points for the offence and as

minor traffic offences if the court awarded **3** or less penalty points for the offence.

- 5.45 Any applicant who has committed an offence of plying for hire within 6 months of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence may be revoked or not granted. Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle in line with 5.46 below. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

5.46 Insurance Offences

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for **3 years**. However, strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be prevented on its merits.

- 5.47 At least **3 years** should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a HC or PH drivers licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operator's licence revoked immediately and prevented from holding a licence for **3 years**.

Schedule One - MAJOR TRAFFIC OFFENCES

AC10 Failing to stop after an accident

AC20 Failing to give particulars or to report an accident within 24 hours

AC30 Undefined accident offences

BA10 Driving while disqualified by order of court

BA30 Attempting to drive while disqualified by order of court

BA40 Causing death by driving while disqualified

BA60 Causing serious injury by driving while 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 by careless driving when unfit through drugs *

CD60 Causing death by careless driving with alcohol level above the limit *

CD70 Causing death by careless driving then failing to supply a specimen for analysis*

CD80 Causing death by careless or inconsiderate driving *

CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers *

DD40 Dangerous driving

DD60 Manslaughter or culpable homicide while driving a vehicle *

DD80 Causing death by dangerous driving *

DD90 Furious driving

DG60 Causing death by careless driving with drug level above the limit*

The above offences marked * are dealt with in the section entitled driving offences involving the loss life

DR10 Driving or attempting to drive with alcohol level above limit +

DR20 Driving or attempting to drive while unfit through drink +

DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity

DR40 In charge of a vehicle while alcohol level above limit +

DR50 In charge of a vehicle while unfit through drink +

DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive

DR61 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +

DR70 Failing to provide specimen for breath test +

DR80 Driving or attempting to drive when unfit through drugs +

DR90 In charge of a vehicle when unfit through drugs +

DG10 Driving or attempting to drive with drug level above the specified limit

DG40 In charge of a vehicle while drug level above the specified limit

The above offences marked + are dealt with in the section entitled alcohol and drugs

IN10 Using a vehicle uninsured against third party risks

LC20 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

MS50 Motor racing on the highway

UT50 Aggravated taking of a vehicle

TT99 signifies a disqualification under the totting up procedure 12 or more points within three years

Schedule Two - MINOR TRAFFIC OFFENCES

- 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 tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Using a mobile phone while driving a vehicle

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- 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 the 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

- SPI0 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/ 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 sign

Schedule Three - HYBRID TRAFFIC OFFENCES

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 tyre(s)
CU40 Using a vehicle with defective steering
CU50 Causing or likely to cause danger by reason of load or passengers

SPI0 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

Other non endorsable motoring offences i.e. no MOT

NOTE:

All offences in Schedules One to Three may also include the following codes:

Aiding, abetting, counselling or procuring
Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting
Offences as coded above, but with 0 changed to 4 (e.g. becomes CU14)

Inciting
Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

Appendix E – Conditions Attached to a Hackney Carriage and Private Hire Vehicle Drivers Licence

Hackney Carriage and Private Hire Vehicle Drivers Licences are issued subject to the following conditions. Drivers are advised to study these conditions carefully, and are warned that for non-compliance the licence may be revoked.

1. The licence holder shall not assign or in any way part with the benefit of the licence. It is personal to them only.
2. The licence holder shall not cause or suffer or permit to be conveyed in a hire vehicle a greater number of persons exclusive of the driver than the number of person specified in the licence.
3. The licence holder shall, when driving a Hackney Carriage and Private Hire vehicle,
 - wear the drivers badge, issued by the Council, in a conspicuous position so as to be plainly and distinctly visible; and
 - display the identity card, issued by the Council, so it can easily be read by all passengers.
4. Where property is accidentally left in the vehicle the driver must,
 - convey the property to the nearest police station, within 24 hours, if not sooner claimed by or on behalf of its owner; and/or
 - notify the Licensed Operator of the property left and which police station it was conveyed to.
5. Where the licence holder has agreed and has been hired to be in attendance with the vehicle at an appointed time and place, he shall punctually attend with such vehicle at such appointed time and place, unless delayed and prevented by some sufficient cause.
6. The driver of a Hackney Carriage and Private Hire vehicle shall, when requested by any person hiring or seeking to hire the vehicle:
 - carry a reasonable quantity of luggage;
 - give reasonable assistance in loading and unloading;
 - give reasonable assistance in removing it to and from the entrance of any house, station or place at which he is taking up or setting down such a person.
7. The driver of a hire vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting from the vehicle.

8. Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these conditions in relation to any notices required or authorised by these conditions to be given or served on the licensee by or on behalf of the Council, or by an Authorised Officer.
9. The driver of a Hackney Carriage and Private Hire vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
10. When in another Council's area, on being requested to do so by an Officer of that Council who has been authorised by Ashfield District Council, submit the vehicle to an examination; answer any reasonable questions and produce all documents in relation to the driver and the use of the vehicle.
11. Other than for condition 12 below, the carrying of pets shall be at the driver's discretion.
12. Guide dogs or assistance dogs belonging to a passenger must be carried by drivers of Hackney Carriages and Private Hire Vehicles. The dogs must be carried free of charge. Drivers may be exempted from carrying dogs only if they have a notice of exemption issued by the Local Authority under Section 37 of the Disability Discrimination Act 1995.
13. The driver must not use a mobile phone including Bluetooth functions and devices, whilst the engine is running and/or the handbrake is off.
14. When driving a **HACKNEY CARRIAGE** the driver shall not tamper with or permit any person to tamper with the taximeter.
15. The driver of a **HACKNEY CARRIAGE** shall, when plying for hire in any street and not actually hired:-
 - Proceed with reasonable speed to one of the ranks fixed by the Council;
 - If a rank, at the time of arrival, is occupied by the full number of taxis authorised to occupy it, proceed to another rank.
 - At no time shall the driver of a hire vehicle cause the vehicle to stand on a road that is controlled by parking restrictions or regulations whilst waiting for a space on a taxi rank to become available.
 - The driver of a hire vehicle both Hackney Carriage and Private hire vehicles, shall at all times comply with all waiting and parking restrictions and regulations in force on any road. Drivers shall not, at any time, wait on any road so as to cause any hazard, obstruction or inconvenience to other road users.

- Private Hire Vehicles shall not form any unofficial rank whilst waiting for hire and cannot accept immediate hire whilst stationary on any street or road.
 - Hackney Carriages on arriving at a rank not already occupied by the full number of taxis authorised to occupy it, position the taxi immediately behind the taxis on the stand facing in the same direction;
 - From time to time when any other taxi immediately in front is driven off or moved forward, move forward to fill the empty space;
16. The licensee shall not while driving or in charge of a **PRIVATE HIRE VEHICLE or HACKNEY CARRIAGE:-**
- Tout or solicit on a road or other public place any person to hire or be carried in that vehicle;
 - Cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried in that vehicle;
 - Leave the vehicle unattended on any taxi rank
17. The Private Hire vehicle driver whilst driving a private hire vehicle must not offer that vehicle for immediate hire whilst on a road or other public place. All journeys in a private hire vehicle must be pre-booked
18. The licence holder shall disclose to the Council, in writing, within 14 days, details of any conviction, caution, fixed penalty notice or any other offence for which they may have been interviewed or dealt with by the Police, Civil Enforcement Agency or any Court of Law, and any penalties imposed on them during the currency of the licence, within 14 days of the event.
19. The licence holder shall inform the Council, in writing, details of any change of name or address, within 14 days of any change, and pay the appropriate fee. (See Schedule of Fees)
20. A Hackney Carriage and Private Hire vehicle driver will comply at all times to the Health Act 2006 and will not at any time smoke or permit any passenger to smoke in any licensed Hackney Carriage or Private Hire vehicle.
21. The driver must ensure that infants are removed from pushchairs, that the pushchair is folded and secured in the luggage area of the vehicle and that the infant is safely restrained in a passenger seat in compliance to the seat belt regulations.

22. A Driver if requested by an Authorised Officer, Police Officer, passenger or any other person who has reasonable cause. Shall give his full name, licence number (badge number) the name and address of the vehicle operator/owner, immediately at the time of request.
23. New Licence holders are required to attend a safeguarding course for vulnerable children and Adults prior to being granted a Licence.
24. Existing licensed drivers are required to attend a safeguarding course for vulnerable Children and adults within one year of this condition being introduced.

Appendix F – Hackney Carriage and Private Hire Vehicle Application Procedure

Applications for vehicle licences will only be accepted in relation to vehicles that comply with:

1. Ashfield District Council's specification for private hire vehicles, or hackney carriages (as appropriate).
2. In making an application for a vehicle licence, applicants must submit the following for the application to be considered valid:
 - A compliance certificate (new and replacement vehicles only)
 - The completed vehicle application form;
 - The appropriate fee;
 - The Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle; or a Bill of Sale (pending this). Please note, the new keeper's supplement section of the V5 document will only be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (the bill of sale will need to demonstrate this). Licences will not be renewed unless the full V5 document is made available to the council at the time of application).
 - The insurance certificate or insurance cover note for the vehicle. If the insurance certificate covers less than two months, then a new certificate must be provided to the Licensing Authority before the paper licence is issued.
 - A current MOT certificate valid for at least two months. If the MOT certificate is for less than this a new MOT certificate must be provided to the Licensing Authority before the paper licence is issued.
 - A HPI Certificate for new and replacement vehicles (as vehicles subject to a category A, B, C and D write off will not be considered for a licence).
 - Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing. Evidence of that testing and the vehicle having obtained SVA must be produced to the licensing office on application before the vehicle can be licensed.

Please note that the above paperwork and payment is to be received by the Licensing Authority at least 5 working days BEFORE the vehicle is presented to the Testing Station for a mechanical check.

This inspection will include an assessment of the vehicle's mechanical and aesthetic condition, and will exceed the MOT standards set by the Driver and Vehicle Standards Agency. The inspection is intended to assess the vehicle for licensing suitability. The council will not issue an MOT certificate for the vehicle that will be the responsibility of the applicant to obtain at his own cost.

The person presenting the vehicle for inspection must submit to the vehicle inspector all necessary documents before the start of the vehicle examination.

A Vehicle Inspection Checklist sheet will be issued identifying if the vehicle passed or failed.

If the licence plate is not at the testing station this document must be produced as evidence that the vehicle met the required standard for the applicant to collect the licence and plates for the vehicle from the Council Offices (subject to the all the other elements of the application process and the provision of a valid certificate of motor insurance being in place).

The vehicle inspection checklist sheet will indicate to the proprietor of the vehicle

- if the vehicle “passed” or “failed” the inspection,
- what point(s) the vehicle failed on (where a failure is given),

Once the vehicle licence has been issued, only licensed drivers will be permitted to drive the vehicle.

Appendix G – Hackney Carriage & Private Hire Vehicle Conditions

Hackney Carriage and Private Hire Licences are issued subject to the following conditions. You are advised to study these carefully and you are warned that for non-compliance with any **one** condition, the licence may be revoked or suspended.

1. PERIOD OF LICENCE

The vehicle licence shall be valid for a period of one year and shall be renewable on the anniversary of the original licence until the vehicle is either replaced or reaches the upper age limit.

2. LICENCE PLATES

a. The Proprietor of a licensed hire vehicle shall not cause or allow the vehicle to be used unless:-

- The number of the licence is fixed and displayed on the vehicle at all times during which the vehicle is licensed as a Hire Vehicle, by means of the Licence Plate issued by the Council to the Proprietor.
- The Licence Plate is fixed and displayed outside on the rear of the vehicle with the particulars thereon facing outwards, in such a position that the vehicle's registration mark is not obscured, and in such a way as the Plate can be easily removed. The Plate must not be fixed to the vehicle with any form of adhesive.
- The Licence Plate is clearly visible in daylight from the road at the rear of the vehicle.

b. The Licence Plate referred to in these Conditions shall remain the property of the Council and shall be returned forthwith to the Licensing Team, Ashfield District Council, Urban Road, Kirkby-in-Ashfield, Nottingham, NG17 8DA, if the Proprietor no longer holds a vehicle licence issued by the Council which is in force in respect of the vehicle.

c. The Proprietor of a licensed vehicle shall report the loss of any plate or licence to the Police and Licensing Team as soon as such loss becomes known. The Licensing Team must also be advised of the Crime Number issued by the Police.

- d. A replacement plate is obtainable on payment of a fee.
- e. A fee is charged for duplicate paper licences.

3. CONDITION OF VEHICLE

- a. The Proprietor shall ensure that vehicles are maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time whilst the vehicles are licensed with this Authority.
- b. The vehicle must be a single uniform colour.
- c. The interior and exterior of the vehicle shall be kept in a clean condition and maintained in a safe condition by the Proprietor.
- d. The Proprietor of a licensed vehicle must not cause or permit the vehicle to be used unless it complies with the Council's vehicle specification.

4. INSPECTION

- a. The Proprietor shall permit an Authorised Officer or any Police Constable to inspect the vehicle at all reasonable times.
- b. The Proprietor shall present the vehicle for inspection and testing, by an Authorised Officer, at any time and place within the District of Ashfield as specified in a notice, provided that the Council shall not under the provisions of this condition require the Proprietor to present the vehicle for inspection and testing on more than three separate occasions during any period of twelve months.

If, upon completion of the inspection, the Authorised Officer or Police Constable is not satisfied as to the condition of the vehicle for use as a hire vehicle, the Proprietor shall be asked to remove and surrender the Licence Plate from the vehicle. This will be kept by the Authorised Officer or Police Constable until such time as the condition of the vehicle is satisfactory, when it will then be returned to the Proprietor.

5. ACCIDENTS & DAMAGE TO VEHICLE

All accidents must be reported to the Licensing Team, in writing, within 72 hours, if the accident has materially affected the safety, performance or appearance of the vehicle or where the comfort or convenience of passengers is affected. It will be the responsibility of:-

- The driver of the vehicle at the time of the accident, and
- The owner/proprietor of the vehicle.

6. SIGNS

- a. A Hackney Carriage Vehicle must have an illuminated sign on the roof of the vehicle bearing the word "TAXI" on the front and Ashfield District Council on the rear, unless a sign is manufactured into the body work of the vehicle, in which case Ashfield District Council must be displayed on the rear of the vehicle.
- b. A Private Hire Vehicle must display signs on the front doors of the vehicle identifying the Private Hire Firm, giving the name and telephone number. There must also be a sign indicating that the vehicle must be pre-booked. (i.e. 'Advanced Booking Only')
- c. A Private Hire Vehicle must **not** display any sign or notice:
 - which consists of or includes the words 'TAXI', 'TAX' or 'CAB' whether in the singular or plural or as part of another word; or
 - which consists of the words 'FOR HIRE'; or
 - Where the form of wording is in any such way as to suggest that the vehicle on which it is displayed is presently available to pick up any passengers wishing to hire it or would be so available if not already hired.

7. ADVERTISING

- a. General advertising is permitted on the rear door panels and rear screen of all hire vehicles. This is in addition to the advertising of the company name and telephone number that is permitted on the front door panels of the hire vehicle.
- b. All proposed advertisements must be submitted to the Licensing Team for consideration.
- c. Each advertisement will be considered on its merit and the Licensing Team will make their decision known to the applicant in writing, within 14 days.
- d. All advertisements must be approved in writing **prior** to affixing it to the hire vehicle.
- e. Advertisements must comply with the guidelines issued by the Advertising Standards Agency.
- f. Advertisements of the following nature will not be permitted:
 - Alcohol products;
 - Tobacco products;
 - Religious;

- Political;
 - Controversial.
- g. All advertisements must be in good taste.
 - h. Advertisements must be in a material that cannot be easily soiled and that can be firmly attached to the interior or exterior of the vehicle, as appropriate.
 - i. The material used in the rear screen of the hire vehicle must not inhibit in any way the view through the rear screen.
 - j. All advertising mediums must be kept in a clean and sound condition.
 - k. Any advertising that has become damaged, is peeling or has been defaced in any way must be removed from the hire vehicle immediately.
 - l. Where an advertisement has been refused there is a right of appeal to the Service Director and /or Licensing Committee.

8. PASSENGERS

- a. The Hackney Carriage and Private Hire vehicle must not be used to carry a greater number of passengers than the number prescribed in the licence.
- b. No child under the age of ten years shall be conveyed in the front of the vehicle, unless using a properly secured and appropriate child restraint.
- c. Wheelchair access vehicles have space(s) reserved for the carrying of wheelchairs. The restraining mechanisms are designed purposely for the restraint of wheelchairs only. Pushchairs **MUST** be folded and secured in the luggage compartment of the vehicle, infants should be safely restrained in a passenger seat in compliance with the seat belt regulations. Infants **MUST NOT** be transported in a pushchair.
- d. Only items belonging to passengers may be carried in the luggage space of the vehicle, except a fire extinguisher and first aid kit. (i.e. no cleaning products, oils etc. belonging to the vehicle or driver may be carried.)
- e. Animals belonging to the Proprietor or the driver must not be allowed to ride in the vehicle when the vehicle is working. Any animal of the hirer is to be conveyed in the rear of the vehicle **with the exception of** guide or assistance dogs which will remain with the hirer at all times (even if they are in the front) and which must be carried free of charge.

9. TAXIMETERS

- a. The Proprietor of a licensed Hackney Carriage or Private Hire Vehicle in which a taximeter is installed shall not cause or permit the vehicle to be used unless the taximeter is so constructed, attached to the vehicle and maintained as to comply with the following requirements:-
- The taximeter is fitted with a key or other device, so that the taximeter can be switched on and the word "hired" will appear;
 - Such key or device shall be capable of being locked so that the taximeter can be switched off and no fare recorded;
 - When the taximeter is in operation, the fare shall be recorded in figures clearly legible and free from ambiguity.
 - The Hackney Carriage fare shall not exceed the rate of fares set by the Council;
 - The taximeter shall be placed so that all letters and figures on its face can be seen by passengers in the vehicle and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring.
- b. The Proprietor of a licensed **Hackney Carriage** must not allow the vehicle to be used unless the table of fares fixed by this Council is displayed clearly inside the vehicle. Where other fares are programmed into the meter there must also be a table of fares displayed for the additional fares.
- c. The Proprietor of a licensed **Private Hire Vehicle** in which a taximeter is installed must not allow the vehicle to be used unless there is on display the table of fares fixed by him which he proposes to charge

10. LICENCES AND DOCUMENTS

- a. The vehicle licence and licence plate may not be sold or transferred. If the proprietor wishes to cancel the licence at any time, the vehicle licence and licence plate must be surrendered to the Licensing Team.
- b. Should the vehicle be sold or transferred in any other way, as a licensed vehicle within the period of the licence, a transfer application, together with the appropriate fee must be submitted within 7 days of the sale or transfer. The Fee payable will be the responsibility of the vehicle owner at the time of sale or transfer.

- c. The Proprietor of a licensed hire vehicle shall produce the vehicle licence for inspection, at the request of any Police Constable.
- d. The Proprietor of a licensed hire vehicle shall produce the following documents, at the request of an Authorised Officer of the Council ,
 - current driving licence;
 - vehicle log book;
 - M.O.T. Certificate;
 - Vehicle Insurance Certificate;

Either forthwith or at the main Council Offices, Urban Road, Kirkby-in-Ashfield, Nottingham, NG17 8DA within five days (including weekends) of the request being made.

- e. At all times the proprietor of a licensed hire vehicle must keep in force in relation to the use of the vehicle, a Policy of Insurance complying with the requirements of Part VI of the road Traffic Act 1988. A copy of the current Insurance Certificate must be lodged with the Licensing Team, and must cover a period of 12 months for all vehicles owned and operated by the proprietor.
- f. Any change of vehicle on Insurance must be notified to the Council on or before the change takes place.
- g. On changing address the Proprietor of a licensed hire vehicle shall return the licence, for amendment, to the Licensing Team within 7 days of the change, together with the appropriate fee.
- h. The licence shall be returned to the Licensing Team upon expiry, revocation or suspension, within 7 days.
- i. The Proprietor of a licensed hire vehicle shall maintain a list of names and addresses of all drivers of the vehicle, and produce this information to the Licensing Team on request.
- j. Where the vehicle is licensed as a Private Hire Vehicle or Hackney Carriage with another Authority during the period of this licence, the Licensing Team must be notified and the licence with this Authority may be subject to revocation.

11. HIRINGS

- a. The Proprietor of a licensed hire vehicle who has agreed, undertaken, or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless prevented because of some unavoidable reason, cause the vehicle to attend at such appointed time and place.
- b. Only Ashfield Licensed hackney carriages may stand on a Taxi Rank or ply for hire within Ashfield District
- c. Private hire vehicles may not ply for hire or stand on a taxi rank for any reason which includes the picking up or dropping off passengers.
- d. All bookings for Private hire vehicles must be made in advance
- e. All private hire vehicles must display door signs that state all bookings must be made in advance, i.e. 'ADVANCE BOOKINGS ONLY'

12. TRAILERS

Trailers are not licensable under Taxi licensing legislation.

A licensed hire vehicle will be permitted to tow a trailer provided that the following conditions are complied with.

- a. The Proprietor must present a test certificate for the trailer for inspection prior to its first use and thereafter every 12 months. The inspections can be carried out at any garage, Caravan/Trailer repair workshop.
- b. The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.
- c. The trailer may be used with any licensed hire vehicle provided that the trailer, vehicle and their tow fittings have been inspected and approved by the Council Depot.
- d. The trailer complies with all aspects of current legislation and is of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.
- e. The vehicle must be suitable for towing the intended trailer.

- f. The trailer is in good condition and no older than 10 years of age, of which proof of age must be provided.
- g. The trailer must be purpose built and manufactured for the purpose for which it was intended.
- h. The trailer must be plated by the manufacturer, specifying the maximum load to be carried.
- i. The maximum train weight for the licensed hire vehicle must not be exceeded when the trailer is fully laden.
- j. The trailer must be a braked trailer.
- k. The trailer must comply with current lighting regulations.
- l. No advertising will be permitted on any part of the trailer.
- m. The trailer must be fitted with a secure fastening hardtop cover. Canvas tarpaulin covers will not be accepted.
- n. The inspection certificate must be displayed in a waterproof cover attached to the nearside of the trailer.
- o. A spare wheel for the trailer must be carried, & appropriately secured, whilst the trailer is in use.
- p. The tow bar used must be of a type approved by the manufacturer of the vehicle and be fitted by an approved agent.
- q. The hire vehicle must be insured to tow the trailer, of which proof of cover must be produced.
- r. Where a licensed hire vehicle has its emergency exit through the rear doors, the towing of a trailer must not impede the use of those doors for the egress of passengers from the vehicle.
- s. A licensed hire vehicle driver will be permitted to tow a trailer whilst driving the licensed hire vehicle, providing that they hold the appropriate category on their DVLA drivers' licence.

NOTE:- The cost of the Trailer inspection will be the liability of the owner, and before the trailer is used a certificate of roadworthiness must be produced to the Council..

13. TWO-WAY RADIOS

The Proprietor shall ensure that any radio equipment fitted to the Hire Vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

14. SMOKING

The Proprietor of a licensed hire vehicle shall ensure that:

- a. There is no smoking within the vehicle at all times. This applies to both drivers and passengers.
- b. No smoking signs are displayed within the vehicle

15. CONVICTIONS

The Proprietor of a Hackney Carriage and Private Hire Vehicle shall, within fourteen days of any offence or conviction, disclose to the Council, in writing, details of the offence or conviction and any penalties imposed on him during the currency of his licence.

16. CHEQUES

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

Appendix H – Supplementary Testing Manual

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Section 1	-	Vehicle Exterior
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Section 7	-	Interior of Vehicles
Section 8	-	Wheelchair Accessible Vehicle
Section 9	-	Meters
Section 10		Trailers

1. EXTERIOR OF THE VEHICLE

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
1.1 The exterior of the bodywork, the underside of the vehicle and the engine compartment must be free from mud, oil and grease to allow for proper inspection of these areas (see Notes.), i.e. steam cleaned.	1. Contamination preventing proper inspection.	If the vehicle comes for annual inspection in a filthy condition the inspection will not be carried out.
1.2 Check the operation of all external door catches and locks to ensure that all doors can be securely closed and easily opened.	2. Defective external catches which prevent a door opening and closing properly. Missing or ineffective door locks.	
1.3 Check all doors to ensure that they are properly aligned and will close easily	3. Poorly fitting doors to the vehicles.	
1.4 Ensure that the door hinges are in good condition allowing free movement of the door.	4. Defective door hinges.	
1.5 Check all wind-check positions to ensure that doors are held in place when opened.	5. Wind-checks which fail to hold the doors in place when opened.	Any wind check straps must be of a type approved by the manufacturer.
1.6 Examine the external body panels and structure for evidence of corrosion, damage and/or unsatisfactory repairs.	6. Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle.	Engineer's certification may be required to satisfy the vehicle examiner that repairs have been properly carried out.
1.7 Examine the external paintwork for damage which adversely affects the appearance of the vehicle (see Notes).	7. Exterior of vehicle so dirty that the overall finish of the paintwork cannot be assessed. Paintwork so deteriorated, damaged, rust blistered or stone chipped, that it detracts from the overall appearance of the vehicles. Renovations to paintwork which produce runs, flat or uneven finish or of non-matching colour, i.e. not compatible with adjacent panels. Repairs incomplete in primer or undercoat.	

EXTERIOR OF THE VEHICLE Cont'd

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
1.7 (Cont'd).	<p>Vehicle resprayed in unapproved colour or colours.</p> <p>Overspray on glass or other fittings.</p> <p>Vinyl roof covering dirty, stained, discoloured, painted (other than with vinyl refurbishment product), torn or becoming detached. Roof covered in unapproved material. Finisher moulding insecure, incorrectly fitted or missing.</p>	<p>Private Hire Vehicles should be one solid colour.</p> <p>Hackney Carriages must be one solid colour</p>
1.8 Check that the nearside and offside door/wing mirrors are fitted to the vehicle in a secure manner and that they function correctly.	8. Missing or defective door/wing mirrors.	
1.9 Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.	9. Damaged or inadequately secured front or rear bumpers.	
1.10 Ensure that front and rear number plates comply with the Vehicle Excise and Registration Act 1994 and the Road Vehicles (Registration and Licensing) Regulations. (See Notes.)	10. Damaged front or rear number plates. Number plates which do not comply with the vehicle Excise and Registration Act 1994 and Road Vehicles (Registration and Licensing) Regulations.	<p>Registration mark obscured or indistinguishable is contrary to Section 43(1) of vehicle excise and Registration Act 1994.1</p> <p>Registration mark failing to conform is contrary to regulation 17 of Road Vehicles (Registration and Licensing) regulations and section 59(1) of the Vehicle Excise and Registration Act 1994.</p>

EXTERIOR OF THE VEHICLE Cont'd

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
1.10 (Cont'd)		Registration numbers should be (cars/mini bus): 80mm Height 57mm Width 14mm Stroke width 11mm Space between letters 33mm Space between group of letters and figures The year letter shall be regarded as a figure. Italic or gothic will normally contravene the stroke width measurement. It is an offence to rearrange, alter or misrepresent figures to form words or names.
1.11 Examine the rubber seals to every door for serious damage, looseness or absence.	11. Damaged, missing or loose door seals which are likely to cause draught, rainwater penetration, unreasonable road noise or a trip hazard.	The vehicle will fail the test where defects in a door seal are considered to be likely to cause rain penetration, excessive draught, excessive road noise inside the vehicle or represent a trip hazard to users of the vehicle.
1.12 Ensure that the vehicle boot lid opens, closes and locks properly, and that the hinges and opening mechanism adequately support the lid when it is in the open position.	12. Worn hinges to boot lid, defective boot lock, weak or defective boot opening device.	
1.13 Check the operation of the number plate light, reversing lights and front and rear fog lights.	13. Inoperable or insufficient number plate, reversing or fog lights.	Lights may be of insufficient intensity when incorrect bulbs have been fitted. Any lamp fitted must work correctly and be properly aligned.
1.14 Check condition of any advertising material affixed to the exterior of the vehicle.	14. Damaged, peeling or defaced advertising material. Unauthorised advertising material.	

- 1.15 Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations ,1986.

2. SIGNS – HACKNEY CARRIAGE SIGNS

METHOD OF INSPECTION		REASONS FOR FAILURE	NOTES
2.1	Examine the roof mounted sign affixed to the vehicle (see Notes), and ensure that its size, design and construction conform to the Council's standards. Ensure that the sign is undamaged and the lettering clearly legible.	1. A sign that does not conform to the Council's standards affixed to the vehicle.	The Council's licence conditions require:- that a Hackney Carriage must be equipped with an illuminated sign on the roof of the vehicle bearing the word "TAXI" on the front and ASHFIELD DISTRICT COUNCIL on the rear as approved by the Council. Purpose built vehicles already displaying the word TAXI in the allotted space will not require an additional top sign. (If top signs are to be replaced they should conform to the above, however existing top signs will be accepted until that time).
2.2	Examine the fixing brackets which affix the roof mounted signs to the vehicle to ensure that the signs are secured in a satisfactory manner and are not likely to work loose.	2. A sign that is not satisfactorily secured to the vehicle.	
2.3	Check that roof mounted signs are properly illuminated (see Notes).	3. A sign which is damaged or has lettering which is not clearly legible.	
2.4	Check that the roof mounted sign may be switched off by separate switch.	4. A sign which cannot be switched off by separate means.	

2. SIGNS – PRIVATE HIRE VEHICLE SIGNS

METHOD OF INSPECTION

2.5 Examine the signs where affixed to the vehicle to ensure that they comply with the Council's vehicle licence conditions.

REASONS FOR FAILURE

5. Non-compliance with conditions.

NOTES

The Council's licence conditions require:- No top signs are allowed on Private Hire Vehicles. No signs including the words, 'Taxi, 'Cab, 'for hire' etc. are allowed on private hire vehicle which may lead the public to think that the vehicle is a taxi.

2. SIGNS – ADVERTISING ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Advertising of the company name and telephone number on the door panels of vehicles is permitted.

OTHER ADVERTISING IS PERMITTED with the approval of the Authority only. Advertising on glass surfaces will not be permitted unless approved advertising material is used.

3. LICENCE PLATES

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
3.1 Inspect the vehicle licence plate fixed to the rear of the vehicle for signs of damage or excessive wear, and ensure that it is securely fixed. Ensure that the information on the plate is clearly legible.	1. A damaged plate or a plate with information not clearly legible.	The Council's licence conditions require:- The licence plate to be displayed at all times on the rear of the vehicle so as not to obscure the registration mark. With the particulars thereon facing outwards and in such a manner and place that the Licence Plate is clearly visible by daylight from the road at the rear of the vehicle.
3.2 Examine the plate fixing to the vehicle to ensure that it is securely fixed using bolts or screws, or in accordance with the Local Authority's Conditions. (See Notes).	2. A plate which is not adequately secured to the vehicle.	Plates should be secured to vehicle using bolts or screws, or by the fixing system adopted by the Council, but must be able to be removed by police officer or authorised officer of the Council.

4. TYRES AND SPARE WHEEL

(Where wheel trims are fitted these should be removed by the driver before the test to enable the wheel to be properly checked)

METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
<p>4.1 Tyres must be of the same type. (see Notes). Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted to the road wheels (see Notes).</p> <p>If vehicle spare wheel is of the space saver type approved and supplied by the manufacturer these will be accepted. Emergency tyre inflation kits are not accepted.</p>	<p>1. Variation in type of Tyre.</p> <p>No spare wheel or space saver provided with the vehicle.</p> <p>A tyre which is of a different size or construction.</p>	<p>SPARE WHEEL or space saver tyre and wheel as supplied by the manager MUST BE PROVIDED.</p> <p>Emergency Inflation kits are not accepted</p>
<p>4.2 Examine the tyres for signs of damage or excessive wear (see Notes), ensure that the spare tyre complies with all legal requirements for tyres when fixed to the vehicle.</p>	<p>2. Damaged, worn, substandard or otherwise illegal tyres.</p> <p>Tyres below the Council's minimum tread depth (see Notes).</p>	<p>A mix of steel and cord radials on one axle will not be accepted.</p> <p>Recut tyres are not acceptable.</p> <p>Tyre tread pattern should be a minimum of 2mm in depth throughout the complete circumference and tread breadth of the tyre.</p>
<p>4.3 Check tyre pressure to ensure that it is inflated to the correct pressure for the vehicle.</p>	<p>3. Under or over inflated tyres including spare.</p>	
<p>4.4 Examine the jack and wheelbrace provided with the vehicle to ensure that they are in good working order, secured firmly in correct location provided by manufacturers.</p>	<p>4. Failure to provide a suitable jack and/or wheelbrace with the vehicle.</p>	

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| 4.5 | Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position. | 5. | Failure to satisfactorily secure the spare wheel. |
| 4.6 | Check the rims of all wheels for any signs of distortion or damage. | 6. | A damaged or distorted wheel rim. |

5. BOOT/LUGGAGE COMPARTMENT

METHOD OF INSPECTION		REASONS FOR FAILURE		NOTES
5.1	Examine for evidence of damage, corrosion or water penetration.	1.	Any damage, corrosion or water penetration	
5.2	Examine floor covering to ensure that it is in good condition and offers adequate protection to luggage stored.	2.	Excessive wear, damage or staining of floor covering.	
5.3	Examine the interior for accumulations of dirt, dust, grease, litter etc. or staining of any surface with which luggage may come into contact.	3.	Accumulations of dirt, grease, rubbish etc. which could soil or damage luggage stored therein.	
5.4	Check for the presence of containers of any flammable or corrosive material (e.g. oil, petrol).	4.	Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.	These materials are a fire hazard. They may also contaminate passengers' luggage, taint food, etc.
5.5	Ensure that all interior panels are in position, covering electrical wiring and associated fittings.	5.	Panels insecure or missing.	
5.6	No loose tools or tool boxes to be carried in the vehicle.	6.	Loose tools or tool boxes carried.	

Note:

A jack, first aid kit, fire extinguisher and wheelchair ramps (where applicable) may be carried in the luggage compartment.

6. ENGINE COMPARTMENT/TRANSMISSION/MOUNTINGS

METHOD OF INSPECTION		REASONS FOR FAILURE	NOTES
6.1	Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks.	<ol style="list-style-type: none">1. Any fuel leakage.2. Any oil leakage where oil contamination is apparent over parts of the engine or underside of the vehicle or where oil is seen to be dripping from the vehicle.	Inspection to be carried out from both above and below the vehicle.
6.2	Ensure that the battery is properly secured in position.	<ol style="list-style-type: none">3. Insecure battery.	
6.3	Examine all rubber/plastic hoses for signs of wear or deterioration.	<ol style="list-style-type: none">4. Significantly worn or deteriorated hoses.	
6.4	Check the fan belt for signs of incorrect adjustment and/or deterioration.	<ol style="list-style-type: none">5. An incorrectly adjusted or deteriorated fan belt.	
6.5	Examine the engine mountings for signs of deterioration.	<ol style="list-style-type: none">6. Insecure or deteriorated engine mountings.	
6.6	Ensure that the radiator is properly secured to the vehicle and check for signs of any leaks.	<ol style="list-style-type: none">7. A leaking or inadequately secured radiator.	

- | | | | | |
|------|--|-----|--|--|
| 6.7 | Examine the inner wing panels and suspension mounting tops for evidence of corrosion (see Notes. | 8. | Corrosion to the inner wing panels and suspension mounting tops. | This should include any corrosion around headlamp mountings. |
| 6.8 | Check the master cylinders for any signs of spillage or leaking of fluid. | 9. | Leaking master cylinders. | |
| 6.9 | Check the clutch mechanisms for correct operation. | 10. | Fluid leakage or mechanical component wear in the clutch mechanisms. | |
| 6.10 | Check the operation of the bonnet release catch. | 11. | Defective bonnet release catch/ mechanism. | |

7. INTERIOR OF VEHICLE

	METHOD OF INSPECTION	REASONS FOR FAILURE	NOTES
7.1	Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.	1. A vehicle which is in a dirty condition with accumulations of dust, litter, debris etc. or staining to the carpets or upholstery.	Vehicle will be failed if cushion/backrests, upholstery, carpeting or matting is collapsed, holed, split, temporarily repaired, dirty or stained.
7.2	Check that there are no excessive unpleasant odours noticeable inside the vehicle.	2. Unacceptable smells of vomit, food or other contaminants.	
7.3	Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.	3. Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/heating system.	
7.4	Examine any mats provided to ensure that they are not worn or damaged.		
7.5	Sit in each of the passenger seats within the vehicle to ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers and the driver.		Correctly fitted seat covers will be acceptable
7.6	Examine all seats to ensure that they are properly secured to the vehicle; with a fixed rear seat ensure that the seat cushion is not loose.	4. Seats which are not adequately secured to the vehicle.	

7.7	Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches. (see notes)	5.	Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches.	Minibuses must be fitted with a fascia mounted warning light to indicate when doors are not properly secured.
7.8	Examine the interior rear view mirror and ensure that it is securely fixed.	6.	A loose, damaged or missing rear view mirror.	
7.9	Check the operation of the heater/windscreen demister to ensure that it is in satisfactory working order.	7.	Defective heater/windscreen demister.	
7.10	Examine the clutch and brake pedal rubbers for signs of excessive wear.	8.	Worn or missing brake and/or clutch pedal rubbers.	
7.11	Check the operation of all window winders ensuring that they allow all windows to be fully lowered and raised easily.	9.	Window winders that do not allow windows to be easily lowered or raised.	
7.12	Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.	10.	Defective interior door release catches.	
7.13	Ensure that child proof locks (if fitted) to rear doors are in working order.	11.	Defective child proof locks.	
7.14	Check that any ashtrays provided for the vehicle are intact and capable of being used. (Where ashtrays have been removed they should be blanked off).	12.	Unserviceable ashtrays or ashtrays that have not been blanked off where removed.	
7.15	If a metal grille is fitted check to ensure that there are no sharp or exposed parts which could cause injury to a passenger or driver.	13.	Loose or incorrectly fitted grille or exposed parts which could cause injury.	The fitting of a metal grille is not compulsory.
7.16	Check that estate cars are fitted with a luggage guard or cover.	14.	Luggage guard/cover not fitted or ineffective.	

8, WHEELCHAIR ACCESSIBLE VEHICLES

METHOD OF INSPECTION		REASON FOR FAILURE		NOTES
8.1	Examine the Wheelchair anchorage points Inside the vehicle for security, suitability, and ease of access.	1	Unsuitability of points, insecure or worn and damaged points	<p>Anchorage points for securing a Wheelchair must be suitable and comply to seat belt anchorage regulations.</p> <p>They must be easily accessible, free from built up dust and dirt and securely fixed to the floor or bodywork of the vehicle in compliance to seat belt anchorage regulations.</p> <p>Any ramps or securing straps or seatbelts must be presented with the vehicle on day of inspection and must be indelibly marked or stamped with the registration mark of the vehicle.</p> <p>Seat belts must comply to any regulations in regard of seat belts.</p>
8.2	Check the operation of all wheelchair anchorage points.	2	Fail to securely hold any Anchorage straps in place	
8.3	Check and inspect Wheelchair ramps for operation and suitability, ensure suitability for access or egress of wheelchair in to and out of vehicle.	1.	<p>No ramps in vehicle when vehicle presented for inspection. (see notes)</p> <p>Ramps damaged or unsuitable for vehicle. (see notes)</p>	

8.4	Check and inspect Wheelchair ramp securing points on the vehicle	1	Unsuitable for ramps to be securely fixed to vehicle.	
		2	Damaged, or corroded securing points	
8.5	Check and inspect securing belts and Wheelchair seat belts	1	<p>Frayed or damaged seat belt or securing straps (see notes)</p> <p>Unsuitable seat belts or securing straps. (see notes)</p> <p>Straps or seat belts not presented with vehicle for inspection.</p>	

9. METERS

METHOD OF INSPECTION

REASONS FOR FAILURE

NOTES

9.1 Ensure that the meter is sited in position where it can be clearly seen from all passenger seats within the vehicle or in accordance with the Authority's licence conditions.

1. Absence of a meter, or a meter which is not suitably sited within the vehicle.

Private hire vehicles are not required to have a meter fitted within the vehicle. When fitted to a private hire vehicle a meter must comply with the specifications as set out in this sheet.

9.2 Examine the meter mounting to ensure that it is satisfactorily secured within the vehicle.

2. A meter which is not adequately secured within the vehicle.

9.3 Check the meter to ensure that the figures indicating the fare are illuminated.

3. Lack of adequate illumination to the meter display.

9.4 Check that a table of fares (in the format laid down by the Council), is displayed in the vehicle in a position where it can be clearly seen by passengers in the front and rear of the vehicle.

4. Failure to display a table of fares in a conspicuous position within the vehicle.

Applies to all hackney carriages and those private hire vehicles fitted with a meter (optional).

9.5 Where there are additional fares programmed into the meter these fares should be displayed alongside the Council's table of fares.

Private hire vehicles with a meter should be tested using the tariff set by the P.H. operator and the private hire operators' tariff card should be displayed in the vehicle.

10. TRAILERS

Trailers must undergo an annual inspection and trailers must comply with all the following points:-

- 10.1 The proprietor must present the trailer for inspection at the Council Depot prior to its first use and thereafter every 12 months at the inspection of any vehicle on which the trailer is authorised to be used.
- 10.2 The trailer complies with all aspects of current vehicular legislation and is of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.
- 10.3 The vehicle must be suitable for towing the intended trailer.
- 10.4 The trailer must be in good condition and no older than ten years of age, of which proof of age must be provided at the time of test.
- 10.5 The trailer must be purpose built and manufactured for the purpose for which it was intended.
- 10.6 The trailer must be plated by the manufacturer, specifying the maximum load to be carried.
- 10.7 The trailer must be fitted with suitable brakes which must be maintained in a satisfactory condition.
- 10.8 The trailer must comply with current vehicular lighting regulations.
- 10.9 No advertising will be permitted on any part of the trailer.
- 10.10 The trailer must be fitted with a secure fastening cover, which must be of the hard top type.
- 10.11 A spare wheel of the same type and size fitted to the trailer must be carried in a secured position on the trailer.
- 10.12 Where a licensed vehicle has its emergency exit through the rear doors, the towing of a trailer must not impede the use of those doors for the egress of passengers from the vehicle.
- 10.13 The two bar fitted to the licensed towing vehicle must be of a type approved by the manufacture of the vehicle, be to a type approved to British Standard (Kite marked) and fitted by an approved agent.

TRAILERS (Continued)

Note-

Proof of the towing vehicle being insured to tow the trailer must be produced before the inspection is carried out.

A charge will be made for the inspection of the trailer which will be payable prior to the inspection.

A licensed driver will be permitted to tow a trailer whilst driving a licensed vehicle, provided that he/she holds the appropriate category on his/her DVLA driving licence, which must be produced to the Authority.

The licence will be suspended when:-

- (a) M.O.T. Failure or
- (b) Were there are 3 or more failure items from the supplementary test manual, or at the discretion of the examiner any single item which would affect the safe carriage of passengers.
- (c) Failure of any tyre, road wheel or defective speedometer or taximeter.
(Supplementary test manual reference 4, 10 and 11)

The vehicle will be subject to retest as follows:-

- (a) M.O.T. Failure Partial retest if the vehicle is brought back to the Depot and retested before the end of the next working day on one or more of the following items: ABS warning bootlid, brake pedal antislip, direction indicators/hazard warning, doors, emissions, fuel filler cap, headlamp aim, horn, lamps loading door, mirrors, rear reflectors, registration plates, seat belts (but not anchorages), seats, sharp edges or projections, steering wheel, vin no. windscreen and wipers/washers.

Full retest will be required for all items not listed above.

- (b) Supplementary items failure – vehicle will be retested on failed items only.

N.B.

Where a vehicle has failed and the licence suspended, the vehicle must be retested before returning to work.

RETEST FEES

Retest Fee – Fees are subject to change and as such please refer to the Council's website or annual fees and charges.

N.B.

If the vehicle is not returned for retest within one working day the Local Authority Licensing Enforcement Officer will be notified. The Authority Licensing Team will be notified of all vehicle or trailer failures.

VEHICLE INSPECTION SHEET

Hackney Carriage/Private

Applicant's Name: ----- Hire Vehicle Plate No.:

Address: ----- Colour:

Vehicle Make & Type: Mileage -----

Registration No: ----- Chassis Number

Engine Size: ----- MOT Expiry Date

Vehicles will be tested to M.O.T. standard unless otherwise indicated in Supplementary Test Manual

ITEMS TESTED	M.O.T. MANUAL REF	SUPP. TEST MANUAL REF	PASS	FAIL	COMMENTS	
Lighting Equipment						
Front & rear lamps	1.1					
Headlamps	1.2					
Headlamps aim	1.6					
Stop lamps	1.3					
Rear reflectors	1.4					
Direction indicators & hazardous lamps	1.5					
Steering and Suspension						
Steering control	2.1					
Steering mechanism/system	2.2					
Power steering	2.3					
Transmission shafts	2.5					
Wheel bearings	2.5					
Front suspension	2.4, 5					
Rear suspension	2.4, 6					
Shock absorbers	2.7					
Brakes						
ABS warning system/controls	3.4					
Condition of service brake system	3.3, 5, 6					
Condition of parking brake system	3.1, 2, 5					

Service brake performance	3.7				
Parking brake performance	3.7				
ITEMS TESTED	M.O.T. MANUAL REF	SUPP. TEST MANUAL REF	PASS	FAIL	COMMENTS
Tyres and Wheels					
Tyre size/type inc. spare		4			
Tyre condition inc. spare		4			
Roadwheels	4.2				
Seatbelts					
Wheelchair mountings and straps Condition/Operation		8			
Mountings/Condition/Operation	5.1				
General					
Drivers view of the road	6.1				
Horn	6.2				
Exhaust system	6.3				
Exhaust emissions	6.4				
General vehicle condition	6.5				
Mirrors	6.6	1.8			
Fuel system	6.7	6			
Registration plates and VIN nos.	6.8	1			
Exterior of Vehicle		1			
Signs		2			
Licence Plates		3			
Boot/Luggage Compartment		5			
Engine Compartment		6			
Interior of Vehicle		7			
Road Test		10			
Meters		11			

Appendix I – Private Hire Operators Application Procedure

Applications for Operator's licences must be made in writing using the approved application form. Every question on the application form must be completed fully and accurately, and the form must be signed by every applicant.

Where the application is being made by a single individual, the questions on the application form should be answered by that individual. Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants. Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors. This is particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Licensing Authority must be satisfied as to the fitness and propriety of every applicant.

In accordance with the Interpretation Act, the term 'person' may apply to both individuals and bodies corporate and un-incorporate. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application. Where an application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.

If the application is in the name of a limited company a check of that company will be carried out through the Companies House.

Applications must be accompanied by the following things in order for it to be deemed valid:

- A signed declaration
- Details of two referees
- The relevant fee
- Public Liability Insurance
- Employers Liability Insurance (where applicable)
- Proof that the applicant is legally permitted to work in the UK –a licence will not be issued for a period longer than that period the applicant is permitted to work
- The safeguarding vulnerable people course certificate;
- Basic Disclosure certificate, issued by Disclosure Scotland (or the Disclosure & Barring Service) for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant. Certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 3 months before the date on which the application was made.

- Exemption - The requirement to provide a Basic Disclosure certificate will not apply to any applicant (or director) who holds a current private hire or hackney carriage driver's licence issued by Ashfield District Council. These individuals have already been assessed for their fitness and propriety during their application for that licence, and as such no further checks of any criminal record history for that particular applicant will be considered necessary. Applicants who have applied simultaneously for a driver's licence will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The operator's licence application will not be determined until any such disclosure certificates (including enhanced certificates as part of a simultaneous driver's licence application) have been received.

When all required documents and other information (including the reference checks) have been received, the application will be determined.

Where it is proposed to refuse an application at Officer level, in line with the scheme of delegation, an applicant will be given an opportunity to make representations, either in writing or orally to an officer with the appropriate delegations or at a meeting of the Council's Licensing Sub-Committee where deemed appropriate. Any representations will be given full consideration prior to a decision being made in respect of the application. Where an application is refused by the Licensing Authority, a licence is suspended or revoked, or the operator is aggrieved by conditions added to their licence, a right of appeal to a magistrates' court will exist within 21 days. Details of this right will be issued with any documentation sent at the relevant time.

Appendix J - Private Hire Operators Conditions

1. An Operator shall not invite or accept a booking for a Private Hire Vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking information as to the basis of charge for the hire of the vehicle.
2. Every Operator who accepts a booking for a Private Hire Vehicle for an appointed time and place shall allow sufficient time for the vehicle to punctually attend.
3. Only Ashfield District Council licensed vehicles and drivers may be booked for any journey.
4. When an Operator is unable to fulfil a booking due to unforeseen circumstances, it may pass that booking to another Operator to fulfil the commitment providing it is done so in accordance with the law.
5. An Operator's Licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
6. If provision is made by the Operator on his or her premises for the reception of members of the public proposing to hire a vehicle, the Operator must ensure that the premises are in a clean and tidy condition at all times and that adequate arrangements are made for the seating of customers within the premises.
7. If 6 above applies, the Operator must also have Public Liability Insurance, a copy of the certificate being lodged with the Licensing Team.
8. Without prejudice to any other liability imposed under the Local Government (Miscellaneous Provisions) Act 1976, the Operator shall ensure that drivers and proprietors of vehicles owned, controlled or operated by them in association with the Operator's licence shall observe and comply with the conditions of their Hire Vehicle Driver's Licence and their Private Hire Vehicle Licence.
9. The Operator shall keep a record and maintain at his/her premises particulars of all vehicles operated by him or her, which shall include the following:-
 - the licence plate number;
 - the registration number;
 - the name and address of proprietor;
 - the names and addresses of drivers of the above vehicles;

- the badge numbers of drivers;
 - copies of licences for all vehicles and drivers; and
 - copies of insurance certificates for all vehicles.
10. The above records shall be produced immediately on request to any Authorised Officer of the Council or Police Constable.
11. The Council must be informed within 7 days of any changes in the particulars detailed in condition 9 above
12. Subject to 13 below, the Operator shall enter in a bound book, the pages of which are numbered consecutively, particulars of every private hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:
- the time and date of each booking;
 - by what method the booking was received, i.e. telephone call or personal call;
 - journey from to (destination may be recorded electronically at the conclusion of the journey using GPS tracking);
 - the name and contact telephone number of the hirer and, where the booking is received from another operator, the name of that operator;
 - the Private Hire Licence Plate Number of the vehicle and the name and licence number of the driver which will attend or, where the booking is passed onto another operator, the name of that operator.
13. An alternative method of record keeping may be used provided that the details at 12 above can be recorded and the method has been agreed by the Council in writing
14. The records shall be kept for a period of not less than 2 years, or such longer period as required by an Authorised Officer of the Council.
15. A hard copy of the records must be produced immediately, on request, to any Authorised Officer of the Council or Police Constable.
16. The Operator shall not, knowingly or without the prior written consent of the Council, engage in partnership with, or allow or suffer any involvement in the management of the Operator hereby licensed by:
- any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to private hire and hackney carriage licensing; and

- any person who, for the purposes of Part II of the said Act, has been found by any Licensing Authority not to be a fit and proper person to hold a driver or Operator licence.
17. On changing address the Operator shall return the licence, for amendment, to the Licensing Team within 7 days of the change, together with the appropriate fee. (See Schedule of Fees).
 18. The Operator shall inform the Council in writing of any:
 - criminal convictions incurred, including driving offences, during the period of the licence within 7 days of the conviction;
 - County Court judgments, bankruptcy proceedings, individual voluntary arrangements and composition agreements with creditors.
 19. The Operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run the private hire business on their behalf.
 20. A person who is found guilty of an offence against byelaws, or the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 is liable to a fine. In addition, the council may suspend or revoke an existing licence or refuse to renew a licence.
 21. The Operator shall be responsible for compliance with the Health Act 2006 in respect of No Smoking regulations in any Office, Operating base or vehicle operated by or on behalf of them.

ASHFIELD DISTRICT COUNCIL

Urban Road,
Kirkby-in-Ashfield,
Nottingham,
NG17 8DA

Tel: 01623 450000
Fax: 01623 457592
www.ashfield-dc.gov.uk



APPENDIX TWO

Xxxxxx
XXXXX
XXX
XXX
XXXXXX

Contact:	Peter Barrow	Our Ref:	PB/SJ
Direct Line:	01623 457589	Your Ref:	
E-mail:	p.barrow@ashfield-dc.gov.uk	Date:	15th July 2016

Dear Sir/Madam,

RE: CONSULTATION – CHANGES AFFECTING HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS, VEHICLES & OPERATORS

Ashfield District Council, as the Licensing Authority, is proposing to make a number of changes to the Licensing process for Hackney Carriage and Private Hire Licensing.

In summary, the proposed changes include:

1. A new Hackney Carriage and Private Hire Licensing Policy which updates the existing one by incorporating recent changes in legislation and align it with best practice.
2. Introduction of Annual DBS / DVLA checks.
3. Amendments to the Hackney Carriage and Private Hire Vehicle Specifications.

Policy

To ensure that the processes are clear, the Licensing Authority has produced a policy so that there is a single source of information relevant to all aspects of Hackney Carriage and Private Hire licensing.

R. MITCHELL, Chief Executive

Copies of this proposed policy and proposed amendments to the licence conditions are available:

- On the website: <http://www.ashfield.gov.uk>
- At reception in the Ashfield District Council offices
- Upon request

Safeguarding Training

The requirement for to attend Safeguarding training is a mandatory requirement for all drivers. Drivers are required to attend and pass a course before the Licensing Authority will grant / renew a licence.

The training is to ensure that all drivers' licensed by Ashfield District Council have an understanding of safeguarding issues and their responsibilities.

A test will follow the session to assist the Licensing Authority to assess their fitness and propriety.

An existing driver will be given up to three opportunities to pass the test. Failure to pass the test will result in a licence being refused.

The same will be applicable to Operators.

This requirement has been introduced across Nottinghamshire and recognises that the taxi trade are the eyes and ears of the community. It will enable both drivers and operators to fully understand safeguarding issues, recognise signs and understand the process of reporting concerns.

DVLA and DBS Checks

The Licensing Authority is introducing a requirement for all drivers to provide annual DVLA / Disclosure Barring Service (DBS) checks.

To minimise any disruption, signing up to the DBS update service, the Licensing Authority is able to undertake these checks on your behalf and also reduce the cost to you.

The annual subscription is currently £13 which is cheaper for a licensee over a 3 year period.

A benefit of this service is that the checks will be returned promptly.

Further information will be available in renewal application packs and upon request.

In order to be satisfied that licensees are fit and proper to hold a licence, applications will not be accepted and/or licences will not be granted or renewed until the results of all the checks have been received.

Feedback/Representations

The Licensing Authority is seeking **your** views on the changes proposed. All feedback/representations should be in writing to:-

Peter Barrow
Licensing Policy Officer
Licensing Department
Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottinghamshire NG17 8DA

Alternatively you can send them by email to p.barrow@ashfield-dc.gov.uk entitled Hackney Carriage and Private Hire Policy Consultation Response.

The deadline for the receipt of any comments is **Midnight on 14 August 2016.**

Yours sincerely,

Peter Barrow
Licensing Policy Manager

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