

# **Hackney Carriage and Private Hire Licensing Policy**



**CHESTERFIELD**  
BOROUGH COUNCIL

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## **1.1 Introduction & background to the policy**

This policy is concerned with the application of powers exercised by Chesterfield Borough Council in respect of hackney carriages and private hire vehicles conferred principally by the Local Government (Miscellaneous Provisions) Act 1976, as amended and other relevant legislation.

This policy is the consolidation and updating of various conditions and procedures that have been used by Chesterfield Borough Council. It will be reviewed at 3 yearly intervals or as required.

## **1.2 Objectives**

Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door to door service in various circumstances, including where public transport may not be available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties. In setting out its policy, Chesterfield Borough Council seeks to promote the following objectives:

- a) The protection of the safety of the public
- b) The protection of the environment
- c) Public access to an efficient and effective public transport service.
- d) Provide and maintain a professional and respected hackney carriage and private hire trade, by continued monitoring and improvement of their required standards of service.

When considering each of the requirements detailed in this document, the Council has tried to ensure that each requirement is proportionate to the risk it seeks to address, balancing the cost of the requirement against the benefit to the public. The principle is that the costs of implementation should be commensurate with the benefits of the policy.

The Council acknowledges that current drivers and operators share the objectives of this Policy and that the use of formal enforcement action is infrequent. This Policy seeks to reinforce the existing high standards for all licence holders by the use of the full range of regulatory options by setting standards, encouraging and assisting in compliance with these standards and taking enforcement actions

where standards are not met. In deciding whether to take enforcement action and what action to take, regard will be had to the published Enforcement Policy.

### **1.3 Best practice guidance**

The policy has been developed after consulting with both the trade and wider interested parties. In developing this policy we have also taken into consideration:

- a) The Council's corporate plan;
- b) Current legislation;
- c) The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK, 2003;
- d) Taxi and PHV Licensing Criminal Conviction Policy, LGA, 2014;
- e) Disclosure and Barring Service Information Note on the Rehabilitation of Offenders Act 1974 (2014);
- f) Guidance on the Rehabilitation of Offenders Act 1974 (2014);
- g) Regulator's Code 2014;
- h) The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010; and
- i) Statutory Taxi & Private Hire Vehicles Standards, 2020.

### **1.4 Implementation**

This policy will take effect from 4 April 2018 and will be reviewed after three years. Revisions will be considered as appropriate.

### **1.5 Licensing profile**

At the time of writing there are licences for 144 hackney carriages, 500 private hire vehicles, 43 private hire operators and 725 drivers.

### **1.6 Departure from policy**

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

Each application or enforcement measure will be considered on its own merits and where appropriate in accordance with the Enforcement Policy.

Where it is necessary for the Council to depart substantially from this policy, reasons for doing so will be given. The Assistant Director, Health and Wellbeing may authorise action if he considers it necessary in the specific circumstances and will advise the Executive Member for

Environment and Chair of the Appeals & Regulatory Committee accordingly.

### **1.7 Delegated Powers**

All Officers of the Council, authorised under the Council's Scheme of Delegation, are responsible for the day to day operation of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the Policy.

The following powers are specifically delegated to the Assistant Director, Health and Wellbeing, or to the Manager of the Licensing function, Licensing Officers, Enforcement Officers and Vehicle Examiners subject to the post holder/s being competent to exercise the powers.

- a) In consultation with the Chair or the Vice-Chair of the Appeals and Regulatory Committee, the suspension or revocation (either with immediate effect to protect public safety) in urgent situations, including when an arrest or charges relating to serious offences have been made or laid;
- b) Refusal to renew existing licences;
- c) Refusal of new applications; and
- d) Representations regarding the application of the Policy or Conditions in individual cases.

The following powers are delegated to the Appeals and Regulatory Committee:

- e) The formulation and adoption of the Council's Hackney Carriage and Private Hire Licensing Policy;
- f) Hearing applications or reviews of licences when the Breaches of licensing Conditions and Convictions Scheme require a Committee Hearing; and
- g) Review a licence in non-urgent situations when an arrest has been made or charges laid.

### **1.8 Consideration of applications**

The council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete. For drivers and operators the Breaches of Licensing Conditions and Convictions, section 4, will be applied as part of the application process.



Drivers, Operators or Vehicles applying for a renewal of any licence should do so two weeks before the licence expires and provide all supporting paperwork. If a vehicle fails to pass the Council's test before the existing licence is renewed an application for a new licence will be required. This requirement is to encourage the routine maintenance of vehicles to keep them safe for passengers between licensing tests.

### **1.9 Immigration Act 2016**

All applicants must provide documentary evidence showing they have a right to work in the UK.

An applicant's right to work in the UK will be checked as part of their licence application. This could involve the Council checking a person's immigration status with the Home Office. The Council may otherwise share information with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is set out at paragraph 3.9 of this policy. Applicants must provide the original document (s), such as a passport or biometric residence permit and the council will retain a copy of the document(s).

Applications will not be considered valid until all the necessary information and original document(s) have been produced and the relevant fee has been paid.

If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time you apply to renew or extend your licence. If, during this period, you are disqualified from holding a licence because you have not complied with the UK's immigration laws, your licence will lapse and you must return it to the Council immediately.

The Council will adhere to the requirements of the Immigration Act 2016 as it relates to the licensing of drivers and operators.

Detailed advice on the provisions of 'right to work' and the Immigration Act 2016 is provided at paragraph 3.9 of this policy.

### **1.10 Disclosure and Barring Service (DBS) disclosures**

A criminal record check is an essential safety measure in assessing whether or not an applicant is suitable to hold a licence. An Enhanced Disclosure requesting information on barred lists for both children and vulnerable adults is required by all applicants, whether new or renewal. These disclosures include details of spent convictions, unspent convictions and police cautions.

A standard disclosure is required from private hire and hackney carriage vehicle proprietors and private hire operators if they are not already licensed as a driver. Private hire dispatchers must show their operator an acceptable standard DBS certificate before they can be employed.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for licences. They are required to disclose all convictions, including those that would normally be regarded as spent.

Applicants must use only the DBS update service, whereby an original DBS certificate is produced followed by an annual subscription to the DBS service that can be accessed by the Council. In the event of the certificate no longer being valid the applicant must produce another DBS certificate to the same standard to the Council. The DBS certificate that is produced at the commencement of this process must be **less than 30 days old**.

The Council will accept an Enhanced DBS Disclosure Certificate, provided it is of the same standard required by this Council, that has been obtained through another registered body (for example, Derbyshire County Council) and can be verified to the Council's satisfaction in accordance with any relevant Code of Practice and/or guidance and is **less than 30 days old**.

Drivers from other countries will be required to provide a Certificate of Good Conduct from the embassy of every country where they have been domiciled before entering the UK. If, for any reason, the applicant is unable to produce a certificate of good conduct they must provide acceptable answers to a prepared questionnaire about their offending history, together with details of referees.

The Council is an accredited DBS body so applicants can deal with the DBS through the Council. The applicant will be responsible for the payment of the appropriate fee.

DBS certificates are required from:

- a) Holders of a private hire, hackney or contract licence, to an enhanced level to include barred lists for both children and vulnerable adults.
- b) Private hire operators, to a standard level.
- c) Vehicle proprietors, both hackney and private hire, to a standard level.
- d) Private hire dispatchers, to a standard level as verified by their operator.

If, at any time, the DBS certificate is no longer valid the council reserves the right to suspend or revoke the licence depending on the circumstances; this includes failure to pay the annual subscription fee to the DBS.

#### **1.11 Relevance of convictions and cautions**

In relation to the consideration of convictions and cautions recorded against applicants, the Council will use the Breaches of Licensing Conditions and Convictions Scheme set out in section 4.

#### **1.12 Application procedure**

An application for a driver's licence must be made on the specified application form. The application procedure is set out in section 5.

#### **1.13 Grant and renewal of drivers licences**

Application forms, supporting documents and appropriate fees must be submitted at least ten working days prior to the expiry of the previous licence. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy.

If a new licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received. Any subsequent application will be treated as a new application and drivers will be required to meet the standards required of a new driver.

#### **1.14 Conditions of Licence**

The conditions set out in section 2, licensed drivers, are reasonable, necessary and proportionate for all licensed drivers.

### **1.15 Convictions and allegations made during period of licence**

Where offences resulting in conviction are committed by licensed drivers it is important, in the interests of consistency and transparency, that a procedure should be in place to consider what effect this should have on their hackney carriage or private hire driver's licence.

Licensed drivers who are convicted of any criminal or motoring offence during the period covered by their existing licence must disclose the conviction and the penalty involved to the Council in writing without delay, and in any case within 24 working hours. For these purposes, any offence resulting in the acceptance of a fixed penalty notice or caution is treated as a conviction.

Drivers must also notify the Council in writing without delay, and in any case within 24 working hours, if they are subject to an investigation for any offence other than a minor motoring offence.

If a licensed driver is convicted of dangerous, careless, reckless or inconsiderate driving they will be referred to the Appeals and Regulatory Committee who can require the driver to produce evidence they have successfully passed the Council's practical test of driving ability within a specified time period. The relevant DVLA licence codes for these offences are CD10-CD90 and DD 40-DD90. If the test is not passed within the time period specified the drivers' licence may be suspended pending referral back to the Appeals and Regulatory Committee.

For drivers, section 4 on the Breaches of Licensing Conditions and Convictions will be applied as part of the application process or for incidents occurring within the life of the licence.

### **1.16 Taxi Consultative Committee**

The Council believes that it is important to liaise with the trade by means of a formal meeting. The terms of reference for the meeting are contained in section 6.

### **1.17 Equal Opportunities**

You must read and understand the Council's Equality and Diversity Policy, a copy of which can be obtained from the Council.

Under the Equality Act 2010 it is against the law to discriminate against anyone because of:

- a) Age;
- b) Being or becoming a transsexual person;
- c) Being married or in a civil partnership;
- d) Being pregnant or on maternity leave;
- e) Disability;
- f) Race including colour, nationality, ethnic or national origin;
- g) Religion, belief or lack of religion/belief;
- h) Sex; and
- i) Sexual orientation.

# **Hackney Carriage and Private Hire Licensing Policy**

# Vehicles

## **2.1 Vehicle requirements**

Every licensed vehicle must comply in all respects with Road Vehicles (Construction and Use) Regulations 1986 (as amended) and the Road Vehicles Lighting Regulations 1989 (as amended) and any

other legislation relating to the construction or use of passenger vehicles.

Imported vehicles must meet one of the following standards

- European Whole Vehicle Type Approval
- British National Type Approval
- Individual Vehicle Approval

The vehicle must be right hand drive.

All seats within the licensed vehicles must be either forward or rear facing and shall be fitted with a 3-point belt or lap belt for use by each passenger. Stretch limousines may have side facing seats but must meet the seat belt condition.

Evidence must be produced at the time of licensing to show that if an LPG conversion has been carried it was done by an agent approved by the manufacturer or in the case of LPG conversions, the fitting agent is approved by the LPG association.

Electric and hybrid vehicles are acceptable but must meet all other vehicle conditions.

Tyres must conform to the current EC or BS standard for tyres (including remoulds and re-treads).

The arrangements for storing luggage must not obstruct the use of any exit from the vehicle or be likely to cause injury to a passenger.

There must be sufficient means for passengers and drivers to communicate.

The maximum vertical height acceptable between the road and first step or floor of vehicle is 300 mm. Step/steps must be provided to vehicles where this measurement is exceeded. If a fixed step is fitted to the vehicle and is capable of being extended beyond the bodyline, it must be designed, or have a warning device fitted, so the vehicle cannot be driven away with the step extended.

Only drivers licensed by Chesterfield Borough Council are permitted to drive vehicles licensed by this council.

### **Hackney carriage**

Every hackney carriage shall be black with the exception of the bonnet and boot/tailgate which shall be white. The colours must be permanent or self-adhesive film designed to be permanently applied.

Replacement Hackney Carriages must not be older than the vehicle it replaces and should have the same capabilities regarding wheelchair accessibility, i.e. a wheelchair accessible vehicle can only be replaced by another wheelchair accessible vehicle.

Vehicles used as replace hackney carriages for reasons of disrepair and/or accident need not comply with the standard livery provided that:

- a) The temporary hackney carriage is tested by the licensing authority and an application for a temporary hackney carriage licence is made;
- b) The vehicle must be of the same capability as the one it replaces, for example with regard to wheelchair accessibility; and
- c) It is not used for more than a period of two months from the date of written permission by the Council. The original plates must be returned to the licensing authority.

### **Private hire**

Private hire vehicles shall be one colour only, the colour must be permanent or self-adhesive film designed to be permanently applied.

## **2.2 Vehicle maintenance**

The vehicle shall be maintained in a safe mechanical and structural condition at the manufacturer's service intervals such that it is capable of satisfying these conditions at any time during the continuance of the vehicle's licence. Records of maintenance must be kept and produced within 10 working days if requested by an authorised officer of the Council.



The interior and exterior of the vehicle must be kept clean, in good order and repair, and in every way fit and safe for public use.

### **2.3 Vehicle equipment**

Each licensed vehicle shall carry the following equipment:

- a) The manufacturer's original design of equipment for dealing with punctured tyres must be kept on the vehicle and maintained in a usable condition;
- b) A fire extinguisher no smaller than a 1 litre AFFF dry powder extinguisher of a stored pressure type (or equivalent) which complies with both British and European Standards and is marked in accordance with BS.EN3. The extinguisher must be serviced in accordance with BS 5306 and a record kept for inspection by an authorised officer of the Council. The fire extinguisher shall be marked with the registration number or the plate number of the vehicle; and
- c) Vehicles with fixed bulkheads between drivers and passengers must have a means of communication between driver and passengers and rear compartment heating.

### **2.4 Vehicle licence plates**

The licence plates when issued by the Council shall be securely fixed to the front and rear of the vehicle using the bracket supplied by the Council or if this is not practicable, using screws or rivets to the vehicle bumpers. All licence plates shall be fitted so that they are clearly visible to public view at all times.

The small interior licence plates supplied by the Council shall be affixed to the dashboard of the vehicle and the interior side of the quarter lights on the rear door windows so that they are clearly visible to public view at all times.

The proprietor/operator or driver of the vehicle shall not negligently or wilfully cause or suffer any licence plate to be concealed from public view or allow the licence plate to be defaced, whilst the vehicle licence is in force.

Licence plates issued by the Council remain the property of The Council and must be surrendered to an Authorised Officer or a Police Officer on demand.

Executive Hire and Stretch Limousine Vehicles may display a discreet licence plate as supplied by the Council in the lower left of the front windscreen instead of the external plates and signage, only after having applied for and been granted an Executive Hire licence exemption or a Stretch Limousine Licence.

## **2.5 Limitation of numbers**

No powers exist for licensing authorities to limit the number of private hire vehicles they licence.

The grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages, if the Licensing Authority is satisfied that there is no significant unmet demand for the services of hackney carriages.

There is currently a policy to limit the number of hackney carriages which may be licensed within the Borough to 110 vehicles. This does not, however, imply that Licences will be removed from vehicles unless they lapse or are revoked.

## **2.6 Specification and conditions**

Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles.

The Best Practice Guidance suggests that local Licensing Authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the "type approval" rules within any specifications they determine.

The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public, however, it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

This policy sets out the minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications.

In general, vehicles will be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted. Purpose-built vehicles are amongst those which the Council will licence as hackney carriages.

## **2.7 Accessibility**

The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to disabled residents to enjoy a high quality of life; therefore newly licensed hackney carriage vehicles are required to be wheelchair accessible. The provisions of the Equality Act 2010 will also apply to vehicles, drivers and Licensing Authority.

In line with the guidance it is considered that different accessibility considerations should apply between hackney carriages and private hire vehicles as hackney carriages can be hired by the customer dealing directly with a driver. Private hire vehicles, however, can only be booked through an operator. It is considered important that a person with a disability should be able to hire a hackney carriage with the minimum delay or inconvenience.

Drivers who, for medical reasons are unable to accept wheelchair passengers or accessibility animals are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence as proof they cannot comply with the Equality Act 2010. Exemption certificates, which show a photograph of the driver must be displayed in the vehicle at all times the driver is working.

The Council publishes and maintains a list of wheelchair accessible vehicles on their website under sections 165 and 167 of the Equality Act 2010. Under this definition a 'designated vehicle' is any vehicle capable of carrying a passenger in the wheelchair on a journey.

Drivers must give assistance to wheelchair users wishing to use their vehicle.

Drivers cannot charge extra for a fare simply because the passenger is a wheelchair user.

## **2.8 Maximum age of vehicles**

The Best Practice Guidance reminds Licensing Authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. It is, nevertheless, accepted that a greater frequency of testing may be appropriate for older vehicles. Details of testing frequency requirements are specified in 2.7 of this policy under Vehicle Testing.

Hackney Carriage vehicles must be wheelchair accessible when presented for their first test (except for vehicles to which plates 101-136 inclusive are to be transferred). A wheelchair accessible hackney carriage must be either a purpose built hackney carriage vehicle no more than 3 years old from the date of first registration when first licensed by the Council or, if adapted as a hackney carriage, be no more than 6 months old from the date of first registration when first licensed by the Council.

## **2.9 Environmental Considerations**

Vehicle licensing policies can and should support local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels. For this reason there is no minimum engine size specified and the Council will keep this element of the standards under review taking into account local air quality concerns.

It is, however, clearly important that emissions from hackney carriages and private hire vehicles are reduced as far as possible although there are no plans to introduce any stricter emission test than that required for an MOT.

LPG conversions to vehicles and electric/hybrid vehicles are acceptable.

Emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles which is facilitated by the licence renewal policy.

## **2.10 Vehicle testing**

A satisfactory vehicle test, from an inspection carried out by the Council's nominated garage, must be produced for all vehicles before they can be licensed. Subsequent vehicle test pass certificates must be

produced every six months as part of the Council's vehicle test requirement which also requires the vehicle to be mechanically tested every six months by the Council's nominated garage/s. This process is referred to as the Council's test.

When a licensed vehicle fails its inspection requirements with a VOSA (Categorisation of Defects Part 2: Passenger Cars, Private Buses and Light Goods Vehicles) "I" immediate prohibition or "D" delayed prohibition it will be automatically suspended from the time of the test until such time as the vehicle has been re-examined and the necessary pass certificates obtained.

With the safety of the public being a predominate factor of this Policy, the driver of any vehicle involved in a collision will be required to notify the Council within 72 hours of the incident where the vehicle damage might materially affect the safety, performance or appearance of the hackney carriage or private hire or the comfort or convenience of persons carried therein.

Section 4, Breaches of Licensing Conditions and Convictions Scheme, will be applied as part of the application process or for incidents occurring within the life of the licence.

Vehicles must be tested in accordance with the Hackney Carriage and Private Hire Licensing Policy

Vehicles must have a current test certificate and be maintained in a condition that would enable them to pass a test at any time. Proof of maintenance must be kept with the vehicle. Vehicles may also require testing at the direction of a Licensing Officer.

When tested the vehicle log book must be presented at the test station.

Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall be thoroughly examined and tested at least once in every period of 6 months and a copy of the current test certificate kept on the vehicle.

Any authorised Officer or Police Officer can, at any reasonable time inspect the Vehicle and test a Vehicle for its fitness or test a Taximeter (Hackney Carriages) or Meter (Private Hire Vehicles).

An Authorised Officer or Police Officer has the power to suspend the Vehicle Licence until this has been done and they are satisfied that the Vehicle or the Taximeter or Meter meet these conditions.

If a vehicle is presented for test within 28 days of the previous test having expired it will, for the purpose of this policy's penalty points system, be treated as a licensed vehicle.

## **2.11 Signage and advertising**

Signage' is defined as all signage on the vehicle that is not for commercial advertising, i.e. commercial advertising is for goods or services of another organisation.

Commercial advertising is permitted on the rear window, as described later in this paragraph.

No external or internal signs (other than those required by law or permitted advertising) shall be displayed other than as set out below.

Signage may be displayed in the car to advise that smoking is not allowed in the vehicle and that food and drink is not to be eaten.

The Appeals and Regulatory Committee may authorise the display of signs in support of specific good causes in a manner and duration specified by them.

Signs provided by the manufacturer, e.g. advising that space is required to unload a wheelchair, may be displayed.

### **Private Hire Vehicles**

Must display a self-adhesive sign on each of the front doors containing at least the name and business telephone number of the individual or firm operating the vehicle. The sign shall not contain the word hackney, cab or taxi or any word which bears resemblance to or contains within it, hackney, cab or taxi. Each sign shall be at least 15" by 10" (375mm x 250mm) and on a neutral background. The name and telephone number shall not conflict with any used by another individual or firm. For larger vehicles, officers may specify where these signs can be displayed other than on the front doors.

A self-adhesive sign provided by the Council shall be displayed on the rear doors immediately below the window, incorporating the Council name and logo, vehicle plate number and the words "ADVANCE BOOKINGS ONLY".

### **Hackney Carriage Vehicles**

Must display a self-adhesive sign on each of the front doors containing at least the name and business telephone number of the individual or firm operating the vehicle. Each sign shall be at least 15" by 10" (375mm x 250mm) and on a neutral background. The name and telephone number shall not conflict with any used by another individual or firm. For larger vehicles, officers may specify where these signs can be displayed other than on the front doors.

A self-adhesive sign provided by the Council shall be displayed on the rear doors immediately below the window. The sign shall incorporate the Council name and logo and plate number of the vehicle.

A top sign that bears only the word 'Taxi'.

The sign shall be white when illuminated and the vehicle is plying for hire. The sign shall not be illuminated when the taximeter is brought into operation.

### **Commercial Advertising**

Advertising of a commercial nature is permitted on both hackney carriages and private hire vehicles.

One commercial advert will be permitted on each of the rear side doors of saloon cars, the rear side doors or rear side panels of wheelchair accessible vehicles and people carriers. The advert must be identical on both sides of the vehicle. Advertising is also permitted on the rear window, provided the vehicle complies with DVLA rules and regulations regarding visibility.

All commercial advertising shall be on self-adhesive sheeting and no paper based or water soluble adhesive pastes shall be used. With regard to window, only the rear window can contain advertising.

Advertisements must comply with the guidelines issued by the Advertising Standards Agency.

Advertisements of the following nature are not permitted:

- a) Alcohol or any associated product
- b) Tobacco products of any description
- c) Religion
- d) Political
- e) Controversial
- f) Bad taste

Any commercial advertising must not obscure, obliterate or be confused with the signage required by the Council.

## **2.12 Security / CCTV**

The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.

Video surveillance systems are permitted to be fitted to the vehicle provided that:-

- a) The owner or operator notifies the council within 10 working days of the fitment of the system including details in writing as to the security, disposal and retention of the images recorded by the system;
- b) A warning notice is clearly displayed informing the public that such a system is in operation;
- c) The CCTV is not on continuous sound recording and is targeted in light of risk assessment; and
- d) Use of the CCTV must comply with the current relevant standards set by the Surveillance Camera Commissioner.

It is not proposed that measures such as CCTV cameras should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. However installation of CCTV cameras in vehicles on a voluntary basis will require the operator to handle relevant data gathered in an appropriate and secure manner.

## **2.13 Executive Hire Vehicles**

The Council recognises that there is a market for hiring vehicles to customers who would not want that vehicle to be readily identified as a Private Hire Vehicle. To exempt the vehicle from



the usual plating conditions it must comply with the Council's guidance.

Vehicles must be of a standard of comfort, and equipped to a level, equal to or better than luxury brands of vehicles.

The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating. There must be no external signage or advertising.

The vehicle must meet the standards for private hire vehicles outlined in this policy, with the exception of signage and advertising. The type of work undertaken must be 'executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable. Records of hire must be produced when the vehicle license is applied for or at renewal.

Vehicles with this licence are exempt from certain of the licence and signage requirements as detailed at paragraph 2.11 but must but display a discreet plate in the bottom left of the front window and no other external advertising or signage or rear window advertising or signage.

Prior approval is required from a licensing officer before a vehicle is presented for test.

Drivers must meet the standards of dress outlined in the code of conduct (paragraph 3.22) in that they should be dressed to a "business standard".

## **2.14 Stretched limousines**

Stretched limousines are elongated saloon cars that can be used for mainstream private hire work.

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

In accordance with the Best Practice Guidance, all applications to licence stretched limousines as private hire vehicles will be treated on

their own merits and be approved for licensing as private hire vehicles subject to the additional conditions detailed in this policy.

Vehicles with this licence are exempt from certain of the license and signage requirements as detailed in this policy. They may carry the front door Private Hire Signage, Signage or advertising for the rear window and/or additional signage on the front and/or rear doors of the "name" of the vehicle. They may choose to carry no signage.

These requirements only apply to 'stretched limousines' i.e. a saloon type vehicle that has undergone an increase in length by extending its wheelbase after manufacture and can seat at least 6 but not more than 8 passengers. Only stretched limousines complying with the requirements below will be considered for licensing as a private hire vehicle.

- a) The vehicle must not be over 5 years old on first application for licensing.
- b) The DVLA V5 or equivalent shall be produced to authenticate registration.
- c) Vehicles may be either left or right hand drive providing that they have proof of full Vehicle Type Approval.
- d) The VIN plate shall display '1L1' to confirm conversion completed by an authorised dealer.
- e) The vehicle must have a minimum of 4 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism. Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 41 centimetres (16 inches).
- f) A plate on the door pillar shall confirm the total weight of the vehicle.
- g) Tyres fitted to the vehicle must be either 235/75R-15 108S (BF Load) or 225/70R-16107T Town Car Limo Tyre (Reinforced) or other such tyres as deemed suitable by an independent engineer for this application.
- h) No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.
- i) Vehicles with this licence are exempt from certain of the license and signage requirements as stated in the Hackney Carriage/private Hire Policy. They must display the Discreet Plate in

the bottom left of the front window. They may carry the front door Private Hire Signage, or advertising for the rear window and/or additional signage on the front and /or rear doors of the “name” of the vehicle. They may choose to carry no signage.

### **2.15 Funeral Vehicles**

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

### **2.16 Wedding vehicles**

A vehicle does not need to be licensed while it is being used solely in connection with a wedding.

### **2.17 Livery**

Every Hackney Carriage shall be black with the exception of the bonnet and boot/tailgate which shall be white. The colours must be permanent or self-adhesive film designed to be permanently applied.

The Council will not approve for licensing as a private hire vehicle, any vehicle whose appearance will lead any person to believe it is a hackney carriage.

### **2.18 Dual plating**

The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another Licensing Authority except for temporary replacements as detailed in this policy.

### **2.19 National flags**

On the occasion of major events (for example, a world cup, coronation, royal wedding, etc.) a maximum of one flag may be flown on a licensed vehicle. The flag must be of a size and manufacture that will not obstruct the driver’s view in anyway, nor endanger the safety of other road users or pedestrians. All flags are flown at the proprietor’s own risk. Flags, transfers or decals on the bodywork or ribbons or similar fabric attached to the body work do not meet the signage conditions.

### **2.20 Length of licence**

A vehicle must be licensed every six months, before which it must pass the specified council test.

## **2.21 Grant and renewal of licences**

Hackney carriage or private hire vehicle licences will continue to be issued for a six month period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

The initial vehicle licence for vehicles will be issued for a period up to the 6 monthly anniversary of the date of first registration. All subsequent renewals will expire on the anniversary of this date.

Application forms, supporting information and appropriate fees should be submitted at least ten working days prior to the expiry of the previous licence. Current MOTs and test certificate passes must be submitted no later than ten working days prior to the expiry of the existing licence. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy. If the licence is not renewed before expiry a private hire vehicle will be required to re-license with new plates and to meet all current conditions.

When applying for a renewal of the vehicle licence the application must be accompanied by the vehicle's V5 document (log book) to verify ownership.

When submitting renewal applications, applicants should be aware that it may take up to ten working days to process and issue a licence. It may also take time to undertake any repairs necessary and retest a vehicle if it fails at the testing station. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until a NEW licence can be issued. If a Hackney vehicle plate expires then under the 'capping system' the plate is lost.

The vehicle shall be examined by such person or persons as may be from time to time appointed by the Council. The frequency of such examination and testing will not exceed three times in any period of twelve months. The tests will include checks upon compliance with standards set in this policy and the vehicle conditions and an MOT test.

## **2.22 Fares – hackney carriage**

Fares set by the Council are a maximum. A hackney carriage cannot charge more than the metered fare for a journey within the borough, irrespective of how that was arranged (rank, hailed or pre-booked) .

Before the start of a hiring for a journey which ends outside the district agreement can be made to pay an amount which is more than the metered fare but if no agreement is made only the metered fare can be charged.

Hackney carriage drivers can, when working, offer a discount on the metered fare (within or outside the district) as long as it is less than the hackney tariff set by Chesterfield Borough Council.

The Council considers it good practice to review the fare scales at annual intervals and will consult with the trade and follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976.

When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed.

Out of District journeys can be negotiated prior to the commencement of the journey in both Private Hire Vehicles and Hackney Carriages.

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

### **2.23 Fares – private hire**

Private Hire Operators may set their own fares but if a meter is used the fare chart must be displayed in each vehicle so that it is easily visible to all hirers.

### **2.24 Sub-contracting**

Section 11 of the Deregulation Act 2015 allows private hire operators to sub-contract to each other across licensing boundaries. This will allow operators to work more flexibly and potentially grow their businesses. The triple licence requirement, that private hire operators

are licensed within a district and must only use vehicles and drivers licensed by the same authority as their operator's licence, remains.

## **2.25 Meters**

### **Hackney carriage**

All hackney carriages are required to be fitted with a taximeter installed by an approved taximeter installer.

The taximeter fitted in a Hackney Carriage will be sealed and calendar controlled to the current tariff as set by the Council.

Private hire vehicles, that have a meter fitted, will ensure that they are sealed and calendar controlled, and set to the current tariff set by the vehicle's private hire operator.

The meter/taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is CBC compliant. The certificate issued must be available for inspection on the vehicle.

Seals must be intact at any time that the vehicle carries a licence plate except when at an approved installers premises.

A copy of the Council's current tariff shall be clearly displayed in the vehicle. The taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is CBC compliant and to confirm the rates programmed into the taximeter.

If the vehicle is operating as a private hire vehicle under a private hire operator it must clearly display that operator's current fare chart.

The driver of a vehicle provided with a taximeter shall:-

- a) Ensure that no fare is recorded on the face of the taximeter prior to the commencement of any hiring; and
- b) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

### **Private hire**

If a private hire vehicle is fitted with a meter then the meter must meet the requirements of the Hackney Carriage and Private Hire Licensing Policy.

Every meter installed in a Private Hire vehicle must be sealed with a Chesterfield Borough Council seal. If the driver/operator of the vehicle has any doubts as to the authenticity of the seal they should contact Chesterfield Borough Council immediately for clarification.

The certificate issued by the installer must be available for inspection on the vehicle.

The driver of a vehicle provided with a meter shall:-

- c) Ensure that no fare is recorded on the face of the meter prior to the commencement of any hiring; and
- d) Cause the dial of the meter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

A copy of the Operators current fare chart shall be clearly displayed in the vehicle.

The meter shall be set to display the current fare chart adopted by the Operator. The meter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is Council compliant and to confirm the rates programmed into the meter

### **2.26 Insurance**

The proprietor of the vehicle shall not use the vehicle, or permit it to be used as a private hire or hackney carriage vehicle unless a policy of insurance appropriate for its use is in force.

The Council will not accept an insurance policy for a private hire vehicle that states or implies the vehicle is insured for public hire.

On request of an authorised officer, the proprietor or driver shall produce a certificate of insurance for examination, or within 10

working days of such a request produce it at the council's licensing office.

### **2.27 Wheelchair accessible vehicle**

Any licensed vehicle that is capable of conveying a wheelchair user shall be:-

- a) Equipped with ramps or other equipment to permit wheelchair users safe access and egress from the vehicle. Equipment not permanently fixed to the vehicle shall be legibly and indelibly marked with their safe working load and the license number of the vehicle. Adequate means shall be provided to secure the equipment in position when loading/unloading a wheelchair or wheelchair user. Suitable provision must be made to securely stow ramps once the vehicle is in motion;
- b) Provided with suitable restraining devices to enable a wheelchair user to be safely and securely transported and to comply with legal standards; and
- c) Only driven by a suitably qualified driver (see paragraph 3.6).

### **2.28 Collisions/accident**

Should the vehicle be involved in any collision or accident the license holder will notify the council within 72 hours if damage was caused to the licensed vehicle that materially affects the safety, performance, or appearance of the vehicle or the comfort or convenience of persons therein.

### **2.29 Convictions**

The driver/proprietor/operator of the vehicle must disclose in writing, full details of any conviction, Simple Caution, motoring offence and/or fixed penalty notice recorded against them within 10 working days of receiving any such action.

### **2.30 Notification of transfer/sale of vehicle**

If the proprietor/operator of a licensed vehicle transfers their interest in the vehicle to any other person whatsoever he shall give notice in writing of the transfer to the council, giving the name and address of the person to whom the vehicle has been transferred as soon as is practicable and in any case not later than 14 days after the transfer has become effective.



### **2.31 Alterations**

Any of the requirements stated in these conditions may be altered at the discretion of the Council. Further advice and guidance may be obtained from the Licensing Section.

### **2.32 Fees and charges**

The legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of hackney carriages and private hire vehicles. The fees for taxi vehicle [hackney carriage] licensing will also include the cost of any unmet demand survey that might be carried out.

# **Hackney Carriage and Private Hire Licensing Policy**

# **Licensed Drivers**

### **3.1 Licences**

Licences are offered for private hire, hackney carriage or contract driver's licence. Each licence will normally last for three years.

An initial fee is charged at first application to cover the period up to a licence being determined, this fee is non-returnable. The remainder of the fee is charged when the drivers licence is issued.

A hackney carriage driver's licence allows the holder to drive hackney carriage, contract and private hire vehicles. Applicants for a hackney carriage driver's licence have to pass all elements of the knowledge test.

A private hire driver's licence allows the holder to drive only contract and private hire vehicles. Applicants for a private hire driver's licence take a simplified version of the knowledge test with regard to routes and geography.

A contract driver's licence allows the holder to drive a private hire vehicle on specific contracts only. As a result there are no questions on routes or geography for a contract drivers licence.

Only drivers licensed by Chesterfield Borough Council are allowed to drive vehicles licensed by the council, even though the vehicle may be insured for social, domestic and pleasure use.

**3.2** Drivers of Hackney Carriages should be aware of the provisions of the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976, all of which contain provisions which, if breached, can result in prosecution or the suspension or revocation of the licence.

**3.3** Drivers of Private Hire Vehicle must be aware of the Local Government (Miscellaneous Provisions) Act 1976 which contains provisions which, if breached, can result in prosecution or the suspension or revocation of the licence.

**3.4** If driving a private hire vehicle the driver must notify the council of the operator they are working for before they do so.

### **3.5 Age and experience**

Drivers must:

- a) Hold a full UK or EEA drivers licence that complies with the current legislation for driving in the UK as a resident. On application for a licence the drivers DVLA/EEA licence must have been held for at least one year and meet the criteria of the Breaches of Licensing Conditions and Convictions Scheme;
- b) If using an EEA licence obtain a 'backing sheet' from the DVLA within twelve months of the issue of the hackney carriage or private hire driver's licence, which can be attached to the non-UK driving licence and used by the DVLA to monitor breaches of legislation obtained whilst driving in the UK. Where this requirement is not satisfied, the driver's licence will be automatically suspended pending compliance; and
- c) Provide proof they have the right to live and work in the UK. Where someone has time-limited permission to work in the UK, less than the statutory period for a licence, the duration of the licence must not be for a longer period.

### **3.6 Driver knowledge test**

In order to determine fitness to hold a licence, applicants for a driver's licence are required to pass a knowledge test. The test will cover elements of the law and policy, customer care and local geography and will include basic numeracy.

Any driver whose licence has lapsed, been suspended or revoked may be required to retake the test before the licence is reinstated.

Drivers of Stretched Limousines must pass a supplementary manoeuvring test.

### **3.7 Driver ability and qualifications**

#### **a) Test of driving ability**

All new applicants for driver's licences will be required to produce evidence that they have successfully completed a practical test of their driving ability (see paragraph 5.9 of section 5, Application Guidance).

This test is currently administered by AA Drivetech on behalf of the council. Officers may defer the requirement to pass the AA Drivetech test for a maximum of three months, during which time the applicant can drive a licensed vehicle. This decision can only be based on the availability of a test centre, the efforts made to obtain a test appointment and the driving history of the applicant. It cannot be based on the inability of the applicant to pass the test.

**b) Child sexual abuse and exploitation (CSAE)**

All drivers must attend a training session on child sexual abuse and exploitation approved by the council. Failure, without reasonable excuse, to do so may result in the awarding of 12 penalty points and a referral to the Appeals and Regulatory Committee.

At licence renewal, licences holders must demonstrate an acceptable level of CSAE awareness before their application can be granted.

**c) Wheelchair accessible vehicles**

The drivers of wheelchair accessible vehicles must show they are competent in the loading and care of wheelchair passengers by obtaining one of the below qualifications before they are granted a licence to drive a wheelchair accessible vehicle.

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

Once a qualification has been accepted by the council the driver's badge will include a wheelchair logo to indicate that the holder is qualified to drive a wheelchair accessible vehicle.

The acceptable levels of competence for wheelchair loading are:

- i. NVQ 7439, unit 228, Road Passenger Vehicle Driving (Taxi and Private Hire) or equivalent NVQ from another provider; or
- ii. Modules B1 and B2 of the Passenger Assistant Training Scheme (PATS).

Advice on how to obtain these qualifications is outlined in section 5 'Application Guidance'.

### **3.8 Medical examination**

A medical examination is required on the first licence application and then every 3 years from when first licensed and annually after age 65.

Holders of current PCV and/or HGV Licences, where the holder is able to produce proof of current medical examination, will not be required to undergo a further medical examination.

The medical can be carried out by a Doctor of the applicants' choice but must be carried out to DVLA Group 2 Medical Standards. Such certification must be no more than three months old.

Drivers must produce further medical certification annually or at a shorter period where recommended by the medical practitioner.

The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, a confidential report must be submitted to the Licensing Officers. The applicant may have a copy of the report upon request.

Licence holders must provide written notice of any deterioration in their health that may affect their driving capabilities. Such notice must be given as soon as is practicable from the moment the person became aware of the deterioration.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical examination by a Doctor appointed by the Council, at the applicant's own expense.

### **3.9 Diabetes -Treated by Insulin or managed by tablets which carry a risk of inducing hypoglycaemia**

If diagnosed as requiring treatment by insulin or managed by tablets, which carry a risk of inducing hypoglycaemia, the driver will need to inform the Council as soon as possible and provide written confirmation from their Doctor or Diabetic Nurse/Consultant of;

- a) The date of being diagnosed;
- b) That there has not been any severe hypoglycaemic event in the previous 12 months;

- c) The driver has full hypoglycaemic awareness;
- d) The driver must show adequate control of the condition by regular blood glucose monitoring, at least twice daily and at times relevant to driving;
- e) The driver must demonstrate an understanding of the risks of hypoglycaemia and there are no other declaring complications of diabetes; and
- f) There are no other declaring complications of diabetes.

### **3.10 Right to work in the UK**

Provisions within the Immigration Act 2016 mean that the council, as a licensing authority, is prohibited from issuing driver and operator licences to anyone who is illegally present in the UK or not permitted to work in this sector.

Applicants for driver and operator licences must submit one of a number of specified documents which show they are in the UK lawfully and permitted to work as a private hire or hackney driver or as an operator.

If an applicant has limited permission to be in the UK then the council is required to undertake an immigration check every time the licence is renewed or extended.

If the applicant produces a specified document indicating they have no restriction to live and work in the UK (for example, they are a UK citizen), the council is only required to undertake an immigration check once when they apply for a licence.

If an applicant's immigration permission to be in the UK is time-limited to less than the statutory length for a driver or operator's licence, the licence issued by the council cannot be for a duration that exceeds this period.

If the holder of a driver or operator's licence breaches UK immigration laws then the council has the right to review that licence with the ultimate options of suspension or revocation.

If the Home Office cuts short or ends a person's immigration permission any driver or operator licence held by that person that was issued after 1 December 2016 will automatically lapse. In these

circumstances the holder of the licence must return their licence to the council.

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

An applicant will need to provide either:

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

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

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

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

The document's front cover and any page containing the holder's personal details.

Any page will be copied that provides details of nationality, his or her photograph, date of birth, signature, date of expiry or biometric details, and any page containing UK Government endorsements indicating that the holder has an entitlement to be in the UK and is entitled to undertake the work in question.



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

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

#### Failure to comply

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

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

#### Reporting of illegal workers to the relevant authorities

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

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

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| <b>LIST A</b><br><b>No restrictions on right to work in the UK. Once you have undertaken the necessary check once, you will not have to repeat the check when you subsequently apply to renew or extend your licence.</b> |
| A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the UK.                    |
| A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area (EEA) country or Switzerland.                            |
| A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland  |
| A Permanent Residence card issued by the Home Office to the family member of a national of an European Economic Area country or Switzerland.  |

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| <p>A <b>current</b> Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder, indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.</p>   |
| <p>A <b>current</b> passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK or has no time limit on their stay in the UK.</p>  |
| <p>A <b>current</b> immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, <b>together with</b> an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or previous employer.</p> |

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

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

### **3.11 Enforcement**

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade.

In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will operate a proportionate enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in this Policy.

In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holders ability to fulfil the 'fit and proper' test, a Breaches of Licensing Conditions and Convictions Scheme will be utilised. The scheme, as described in section 4 of this policy will serve both as an early warning system to licence holders who fail to meet the Council's

required standards and as a consistent and transparent method of enforcement.

### **3.12 Convictions / disqualification**

Drivers who are disqualified from driving by any court of law must immediately surrender their Licence and Badges to the Council.

A driver must declare any convictions including simple cautions and spent convictions (including motoring convictions) in writing. If any convictions are undeclared the licence will not be granted or if already granted will be revoked.

Convictions will be considered as detailed in the penalty points scheme.

A licensed driver must give the Council written notification of any new criminal conviction(s), simple or conditional caution(s) or drug warning(s). Such notification must be in writing and be made as soon as practicable and in any case within 24 hours of the occurrence. This includes any driving licence endorsements.

Drivers must notify the council in writing without delay, and in any case within 24 hours, if they are subject to an investigation for any offence other than a minor motoring offence.

A licence holder must notify the council without delay, and in any case within 24 hours, of being issued with a fixed penalty notice by any enforcement agency.

### **3.13 Passengers**

Drivers must not carry more people in the Vehicle than is specified on the Vehicle Licence.

When working, drivers cannot allow any other person or animals, other than those travelling with the hirer, to travel in the Vehicle. Where there is more than one hirer (shared taxi/PHV) the hirers must agree to the joint use of the vehicle.

It is the responsibility of the driver of the vehicle to ensure that all passengers are using the seat belts in accordance with the law

### **3.14 Advanced bookings**

Drivers must not arrive at pre-arranged pick up points more than 5 minutes late unless something unavoidable has happened to delay or prevent them from reaching the pick-up point. Drivers must contact the hirer or operator to inform them of a late arrival i.e. more than 5 minutes.

### **3.15 Destination**

Drivers must take the shortest route to the destination or, after discussing the matter with the passenger, the quickest available route, except where a fixed fare has been agreed beforehand.

### **3.16 Lost property**

If any property is left in the vehicle the driver must make all reasonable steps to locate the loser, especially where the property is identifiable or valuable. This may involve contacting the police or other agency/bank.

### **3.17 Receipt**

Passengers must receive a written receipt on request.

### **3.18 Fares**

#### **Hackney Carriage**

The current hackney tariff must be displayed where it can be seen easily by passengers.

Taximeters must be used to record the fare from, but not before, the start of a journey. Taximeters must not be started for disabled passengers requiring assistance before they are seated and secured.

The driver is responsible for ensuring that the seals of the taximeter are intact whilst they are in control of the vehicle. Drivers must not use a vehicle where the seals have been broken.

#### **Private hire vehicles with meters**

The current tariff must be displayed where it can easily be seen by passengers.

Meters or fare calculators must be used to record the fare from, but not before, the start of a journey. Meters or fare calculators must not be started for disabled passengers requiring assistance before they are seated and secured.

Unless there is an agreement with the passenger before the journey commences you cannot charge more than is shown on the Meter at the end of the journey.

The driver is responsible for ensuring that the seals of the meter are intact whilst they are in control of the vehicle. Drivers must not use a vehicle where the seals have been broken.

### **Private Hire Vehicles without Meters**

The passenger cannot be charged more than the charge that was agreed between the passenger and The Operator before the Vehicle was hired.

A fare table must be displayed.

#### **3.19 Licence plates**

The driver must ensure that both the vehicle licence disc inside the Vehicle and the Plate outside the Vehicle are clean and can be easily seen.

#### **3.20 Changes of driver details**

If you change address the Council must be informed in writing of your new address and the licence returned to the Council within 10 working days.

#### **3.21 Authorised officers**

A licence must be produced at the request of an Authorised Officer or Police Officer. If the driver does not have their licence available when requested it must be produced at the Licensing Counter of Chesterfield Borough Council within 10 working days

#### **3.22 Operation of these conditions**

Breaches of these conditions will be subject to the application of the Penalty Points system however the Council reserves the right to take any appropriate regulatory action in addition to or instead of the penalty Points system.

#### **3.23 Code of conduct – licensed drivers**

Drivers are issued with two licence badges, credit card size. One of these badges must be worn at all times they are working as a

licensed driver; the other badge must be displayed on the dashboard of the licensed vehicle in the holder supplied. Drivers must comply with the code of conduct outlined in this paragraph.

### **Dress Code**

Licensed drivers are expected to follow a dress code, drivers failing to keep to this code are likely to receive penalty points under the council's penalty point scheme. The code is detailed below.

Shirts/t-shirts and sweat tops should cover shoulders and must be capable of being inside trousers or shorts.

Shirts or blouses may be worn open-neck.

Shorts or skirts may be worn but they must be at least knee length and shorts must be tailored.

Footwear should fit around the heel of the foot.

### **Unacceptable standards of dress**

- a) Dirty clothing
- b) Ripped, snagged or holes in clothing
- c) Words or graphics on any clothing that is offensive or suggestive
- d) Sports shirts, like football, rugby or cricket tops
- e) Track suits or similar
- f) Studs or sharp edges to clothing
- g) Mules, flip-flops and other beach-type footwear
- h) Pronounced heels to shoes
- i) Drivers of Executive Hire Vehicles should be dressed to a "business standard".

### **Parking**

When parking their vehicle drivers must not cause an unnecessary obstruction, park irresponsibly or dangerously.

### **Driver Conduct**

Drivers must be professional, show courtesy and be respectful towards all members of the public, including fellow drivers and operators. Discriminatory behaviour on the grounds of race, religion, gender, age, disability or sexual orientation will not be tolerated.

When arriving at a rank drivers should place their car at the front of the stand or immediately behind any car already at the stand.  
Hackney drivers must respect rank etiquette.

Drivers must show reasonable consideration to other road users.  
Drivers must not park irresponsibly, dangerously or causing an unnecessary obstruction.

Smoking is not permitted in any licensed vehicle at any time.

Drivers must not use an e-cigarette or similar while inside a licensed vehicle.

Drivers must not use discreditable conduct.

Drivers should assist passengers with their luggage.

Drivers must not use offensive language



# **Hackney Carriage and Private Hire Licensing Policy**

# **Breaches of Licensing Conditions and Convictions Scheme**

#### **4.1 Introduction**

The Breaches of Licensing Conditions and Convictions Scheme is an administrative system that provides a transparent and proportionate method for the Council to act on breaches that have been committed by drivers and operators.

The objectives of the penalty point scheme are to improve the standards, safety and protection of the travelling public and to ensure that drivers are treated fairly and proportionately when they breach licence conditions.

The Council may consider all the past history of convictions whether spent or not.

This scheme sets out the conditions under which the granting of licences to convicted persons may be considered by the relevant Committee of the Council or for lesser offences and offences that occurred at a distance in time and where there is no history of repetition the granting of licences is delegated to specified officers.

This scheme applies to applicants for a new licence or renewal of a licence or for licensed persons convicted during the currency of an existing licence.

The scheme has been developed to ensure consistency and to be transparent and proportionate for licence holders and potential licence holders. The policy also ensures that minor and or old convictions do not unreasonably penalise potential applicants or require licence holders to repeatedly appear before committees for the same conviction.

Each application or enforcement measure will be considered on its own merits and where appropriate in accordance with the Enforcement Policy

## **4.2 Consideration of convictions**

### **Non-motoring convictions**

For the purposes of this scheme convictions will include Simple Cautions and fixed penalty fines for offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals to which this policy applies. See **Appendix 1** for details of relevant convictions.

The criteria of the penalty point scheme uses 9 DVLA points as the maximum number of points an applicant can hold in order to obtain a hackney/private hire drivers licence. An applicant with 10 or more points would have his/her application refused.

All cases where refusals are indicated can be referred to Committee if the applicant wants to pursue the application.

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

Applications from individuals who are the subject of current criminal investigations and/or are being currently prosecuted for criminal offences will be dealt with on the basis that the person *could* be convicted of the offence.

In deciding whether an applicant is fit and proper the Council may consider any other relevant information provided to it by external agencies. If in those circumstances the applicant would then have 10 or more points the application would be refused.

### Motoring convictions

As points are awarded by the Courts for motoring offences the Council will use those points as a basis for granting or removing licences.

Motoring convictions adopt different criteria dependant on the conviction(s) disclosed on the licence. Motor convictions are broken into two groups, minor and major offences:

#### Minor road traffic offences (see appendix 2)

| Points on licence/other penalty    | Action  | Delegation        |
|------------------------------------|---|-------------------|
| 11 or fewer points                 | Renew or approve licence  | Licensing Officer |
| 12 or more points                  | Refuse or revoke  | Licensing Officer |
| Disqualification for over 6 months | Refuse or revoke<br>Refuse licence for 6 months from the end of disqualification period.* | Licensing Officer |

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

#### Major road traffic offences (see appendix 3)

| Points on licence/other penalty   | Action                          | Delegation        |
|---|---------------------------------|-------------------|
| One conviction - less than 9 points in total  | Renew or approve licence        | Licensing Officer |
| More than one conviction for a major offence in the last ten years <b>or</b> any one major conviction with more than 9 points <b>or</b> one | Refer to the relevant committee |                   |

|   |   |                   |
|---|---|-------------------|
| major conviction with more than 9 points in total on the licence. |   |                   |
| Disqualification for a period of more than 6 months               | Refuse licence for 6 months from the end of disqualification period.* | Licensing Officer |

\*If a period of disqualification has been received on a licence for more than a 6 month period, a period of 6 months must have elapsed from the restoration of the DVLA licence and be free from any other motoring conviction before an application is approved or a licence restored. Should the DVLA licence demonstrate a further conviction since the disqualification period, then a 6 months period must elapse from the date of the last conviction on the DVLA licence before an application is approved or a licence restored

#### 4.3 Breaches of licensing conditions

Penalty points will also be awarded by the Council for breaches of licensing conditions

Where there is evidence available of a breach of conditions (to the balance of probabilities test) the Licensing Officer will place penalty points on the licence holder's record to the levels shown in **Appendix 4**. More serious breaches may incur a referral to the Councils Appeals and Regulatory Committee as well as receiving points to be recorded against future conduct.

Penalty points will remain on the record for a rolling 36month period from the date of conviction.

Where a licence holder accumulates more than 12 penalty points in any 36 month period the matter will be referred to the Councils Appeals and Regulatory Committee who will determine if the individual is a "fit and proper" person. The Committee will determine each case subject to the licensing legislation and any evidence presented.

Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing within 10 working days from the decision to place the points on record. The decision to record points will only be made after discussion with the licence holder as part of the investigation into alleged breaches.

## **Penalty points appeal process**

Licence holders may make representations to the nominated council officer at any stage and up to 10 days after the confirmation notice is received.

The penalty point's scheme will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.

Points will be given to relevant breaches of conditions where these breaches are also the subject of other action e.g. prosecution or referral to Committee and will be in addition to any other penalty. Committees may award up to 12 points as part of or in addition to any penalty they might impose for issues brought before them.

## **Appendix 1**

### **Conviction points scheme**

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

Points are doubled for a racially aggravated offence.

Any person with three or more convictions that would each result in a refusal of a licence using this scheme, over any period of time will be referred to the Appeals and Regulatory Committee.

### **Table 1 – Dishonesty**

# Chesterfield Borough Council

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

## Table 2 – Violence

| <u>Date from end of sentence imposed</u>                                   | 12 mth ago | 24 mth ago | 36 mth ago | 48 mth ago | 60 mth ago | 72 mth ago | 84 mth ago | 96 mth ago | 108 mth ago | 120 mth ago |
|--|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
|  | (1Year)    | (2 Years)  | (3 Years)  | (4 Years)  | (5 Years)  | (6 Years)  | (7 Years)  | (8 Years)  | (9 Years)   | (10 Years)  |
| <u>TYPE OF OFFENCE</u>   | POINTS     | POINTS     | POINTS     | POINTS     | POINTS     | POINTS     | POINTS     | POINTS     | POINTS      | POINTS      |
| <b>VIOLENCE</b>  |            |            |            |            |            |            |            |            |             |             |
| 1 Common Assault   | Refused    | Refused    | Refused    | 5          | 4          | 3          | 2          | 1          | 0           | 0           |
| 2 Assault - Section 47   | Refused    | Refused    | Refused    | 5          | 4          | 3          | 2          | 1          | 0           | 0           |
| 3 Grievous Bodily Harm - Section 20  | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | 8          | 6          | 4           | 2           |
| 4 Grievous Bodily Harm - Section 18  | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | 8           | 6           |
| 5 Assault Police   | Refused    | Refused    | Refused    | 6          | 5          | 4          | 3          | 2          | 1           | 0           |
| 6 Affray   | Refused    | Refused    | Refused    | 5          | 4          | 3          | 2          | 1          | 0           | 0           |
| 7 Riot   | Refused    | Refused    | Refused    | Refused    | 8          | 6          | 4          | 2          | 0           | 0           |
| 8 Murder   | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused     | Refused     |
| 9 Manslaughter   | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused     | Refused     |
| 10 Manslaughter or Cupable Homicide while Driving                          | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused     | Refused     |
| 11 Using Threatening, Abusive Words or Behaviour                           | 5          | 4          | 3          | 2          | 1          | 0          | 0          | 0          | 0           | 0           |
| 12 Breach of the Peace   | 3          | 2          | 1          | 0          | 0          | 0          | 0          | 0          | 0           | 0           |
| 13 Drunk and Disorderly  | 3          | 2          | 1          | 0          | 0          | 0          | 0          | 0          | 0           | 0           |
| 14 Common Assault - Aggravated   | Refused    | Refused    | Refused    | 6          | 5          | 4          | 3          | 2          | 1           | 0           |
| 15 Obstruction   | Refused    | Refused    | Refused    | 3          | 2          | 1          | 0          | 0          | 0           | 0           |
| 16 Robbery   | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | 8           | 6           |
| 17 Possess Offensive Weapon  | Refused    | Refused    | Refused    | 5          | 4          | 3          | 2          | 1          | 0           | 0           |
| 18 Possess Firearm   | Refused    | Refused    | Refused    | 5          | 4          | 3          | 2          | 1          | 0           | 0           |
| 19 Possess Firearm with intent   | Refused    | Refused    | Refused    | Refused    | Refused    | 8          | 6          | 4          | 2           | 0           |
| 20 Criminal Damage   | Refused    | Refused    | Refused    | 5          | 4          | 3          | 2          | 1          | 0           | 0           |
| 21 Violent Disorder  | Refused    | Refused    | Refused    | 8          | 6          | 4          | 2          | 1          | 0           | 0           |
| 22 Resist Arrest   | Refused    | Refused    | Refused    | 8          | 6          | 4          | 2          | 1          | 0           | 0           |
| 23 Arson   | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused    | Refused     | Refused     |
| 24 Any offence similar to those above to be assessed at the closest match. |            |            |            |            |            |            |            |            |             |             |

## Table 3 - Drugs

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

## Table 4 – Indecency

# Chesterfield Borough Council

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

## Table 5 - Licensing Offences

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

| <u>Act</u>  | <u>Offence</u>   | <u>12</u><br><u>mth</u><br><u>1 Yr</u> | <u>24</u><br><u>mth</u><br><u>2 Yr</u> | <u>36</u><br><u>mth</u><br><u>3 Yr</u> | <u>48</u><br><u>mth</u><br><u>4 Yr</u> | <u>60</u><br><u>mth</u><br><u>5 Yr</u> | <u>72</u><br><u>mth</u><br><u>6 Yr</u> | <u>84</u><br><u>mth</u><br><u>7 Yr</u> | <u>96</u><br><u>mth</u><br><u>8 Yr</u> | <u>108</u><br><u>mth</u><br><u>9 Yr</u> | <u>120</u><br><u>mth</u><br><u>10 Yr</u> |
|---|--|--|--|--|--|--|--|--|--|---|--|
| <b>Town Police Clauses Act 1847</b>                         |  |  |  |  |  |  |  |  |  |   |  |
|   | All relevant offences with regard to the use of a hackney carriage vehicle.                | 5                                      | 4                                      | 3                                      | 2                                      | 1                                      |  |  |  |   |  |
| <b>Local Government (Miscellaneous Provisions) Act 1976</b> |  |  |  |  |  |  |  |  |  |   |  |
|   | All relevant offences with regard to the use of a hackney carriage or private hire vehicle | 5                                      | 4                                      | 3                                      | 2                                      | 1                                      |  |  |  |   |  |



## Appendix 2

### Minor Motoring convictions

AC20 Failing to give particulars or report an accident within 24 hours.  
AC30 Undefined accident offence

CU10 Using vehicle with defective brakes.

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.

CU30 Using a vehicle with defective tyres.

CU40 Using a vehicle with defective steering.

CU50 Causing or likely to cause danger by reason of load or passengers.

CU60 Undefined failure to comply with Construction and Use Regulations.

CU80 Using a mobile phone while driving a motor vehicle

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

MS10 Leaving a vehicle in a dangerous position.

MS20 Unlawful pillion riding.

MS30 Playstreet Offences.

|      |   |
|------|---|
| MS40 | Driving with uncorrected defective eyesight or refusing to submit to a test.  |
| MS50 | Motor racing on the highway.  |
| MS60 | Offences not covered by other codes.  |
| MS70 | Driving with uncorrected defective eyesight.  |
| MS80 | Refusing to submit to an eyesight test.   |
| MS90 | Failure to give information as to identity of driver etc.   |
| MW10 | Contravention of Special Road Regulations (excluding speed limits).   |
| PC10 | Undefined Contravention of Pedestrian Crossing Regulations.   |
| PC20 | Contravention of Pedestrian Crossing Regulations with moving vehicle.   |
| PC30 | Contravention of Pedestrian Crossing Regulations with stationary vehicle.   |
| PL10 | Driving without 'L' plates.   |
| PL20 | Not accompanied by a qualified person.  |
| PL30 | Carrying a person not qualified.  |
| PL40 | Drawing an unauthorised trailer.  |
| PL50 | Undefined failure to comply with conditions of a Provisional Licence.   |
| SP10 | Exceeding goods vehicle speed limit.  |
| SP20 | Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles).  |
| SP30 | Exceeding statutory speed limit on a public road  |
| SP40 | Exceeding passenger vehicle speed limit.  |
| SP50 | Exceeding speed limit on a motorway.  |
| SP60 | Undefined speed limit offence.  |
| TS10 | Failing to comply with traffic light signals.   |
| TS20 | Failing to comply with double white lines.  |
| TS30 | Failing to comply with a 'Stop' sign.   |
| TS40 | Failing to comply with direction of a constable or traffic warden.  |
| TS50 | Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines).  |
| TS60 | Failing to comply with school crossing patrol sign.   |
| TS70 | Undefined failure to comply with a traffic direction or sign.   |
| TS99 | To signify a disqualification under 'totting up' procedure. If the total of penalty points reaches 12 or more within 3 years the driver is liable to be disqualified. |

## Appendix 3

### Major Road Traffic Offences

|      |  |
|------|--|
| AC10 | Failing to stop after an accident  |
| CD10 | Driving without due care and attention.  |
| CD20 | Driving without reasonable consideration for other road users.                                   |
| CD30 | Driving without due care and attention or without reasonable consideration for other road users. |
| CD40 | Causing death through careless driving when unfit through drink                                  |
| CD50 | Causing death through careless driving with alcohol level above the legal limit                  |
| CD60 | Causing death through careless driving then failing to supply a specimen for analysis            |
| CD70 | Causing death through careless or inconsiderate driving  |
| CD80 | Causing death by driving: unlicensed, disqualified or uninsured drivers.                         |
| IN10 | Using a vehicle uninsured against third party risks.   |
| BA10 | Driving while disqualified by order of Court.  |
| BA20 | Driving while disqualified as under age.   |
| BA30 | Attempting to drive while disqualified by the court.   |

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

#### **Offences covered under this section INCLUDE: -**

|      |   |
|------|---|
| DD40 | Dangerous driving.  |
| DD60 | Manslaughter or culpable homicide while driving a vehicle. (see under violence)   |
| DD80 | Causing death by dangerous driving.   |
| UT10 | Taking or driving away a vehicle without consent or an attempt thereof (see under dishonesty).  |
| UT20 | Stealing or attempting to steal a vehicle (see under dishonesty).   |
| UT30 | Going equipped for stealing or taking a vehicle (see under dishonesty).   |
| UT40 | Taking or attempting to take a vehicle without consent, driving or attempting to drive a vehicle knowing it to have been taken without consent, allowing oneself to be carried in or on a vehicle knowing it to have been taken without consent (see under dishonesty). |
| UT50 | Aggravated taking of a vehicle  |

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

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

**Offences covered under this section INCLUDE: -**

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

## Appendix 4

### Penalty point scheme

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

Points will be awarded to drivers and/or persons responsible for the vehicle condition as appropriate.

| <b>Offence/ Breach of Condition</b>  | <b>Points Applicable</b> |
|--|--------------------------|
| Providing false or misleading information on licence application form/failing to provide relevant information or relevant fee ( including dishonoured cheques) | 6                        |
| Failure to notify, in writing, a change of address within 10 working days  | 3                        |
| Refusal to accept hiring without reasonable cause  | 10                       |
| Unreasonable prolongation of journeys or any misconduct regarding the charging of fares  | 6                        |
| Plying for hire by private hire drivers  | 12                       |
| Using unlicensed vehicle or vehicle without insurance  | 12 +<br>Committee        |
| Driver of a private hire vehicle fails to advise the council of the operator they are working for.   | 3                        |
| Failure to produce relevant documents within timescale when requested by an Authorised Officer   | 4                        |
| Failure to provide proof of insurance cover when requested.  | 6                        |
| Failure to produce hackney carriage or private hire vehicle for testing when required  | 4                        |
| Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer  | 12<br>+ Committee        |
| Failure to maintain a vehicle in a safe mechanical and structural condition (VOSA classes I or D).   | 6                        |

| <b>Offence/ Breach of Condition</b>  | <b>Points Applicable</b> |
|--|--------------------------|
| Using a vehicle for which the licence has been suspended or revoked  | 12<br>+ Committee        |
| Failure to notify an accident or damage to a licensed vehicle within 72 hours of the occurrence if the damage would materially affect the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. | 4                        |
| Carrying more passengers than stated on the licence  | 6                        |
| Failure to display external/internal licence plate or signs as required  | 4                        |
| Failure to notify transfer of private hire or hackney carriage vehicle licence within 14 days of sale  | 4                        |
| Displaying signs or advertisements in or on the vehicle that do not meet the requirement of the Policy of Conditions   | 3                        |
| Failure to use a roof light that does not meet the requirements of the Conditions of Policy  | 4                        |
| Failure to maintain records in a suitable form of the start and finish of work of each driver each day   | 4                        |
| Failure to produce on request records of drivers work activity   | 4                        |
| Using a meter/taximeter that does not meet the requirements of the Policy or Conditions.   | 9                        |
| Obstruction of an authorised officer or police officer.  | 12                       |
| Displaying any feature on a private hire vehicle that may suggest that it is a taxi  | 6                        |
| Failure to carry an assistance dog without requisite exemption   | 10                       |
| Driver not holding a current DVLA licence  | 12<br>+Committee         |
| Failure to wear drivers badge  | 4                        |
| Failure to notify in writing, a change in medical circumstances  | 6                        |
| Code of Conduct. Failure to comply with par. 3.23 of the policy regarding dress code and smoking.  | 3                        |
| Code of Conduct. Failure to comply with all par. 3.23 of the policy with the exception of dress code or smoking.   | 6                        |
| Fail to comply with the requirements for rank etiquette  | 6                        |

| <b>Offence/ Breach of Condition</b>  | <b>Points Applicable</b> |
|--|--------------------------|
| Causing a private hire vehicle to drop off, pick up or park on a marked rank   | 3                        |
| Failure to maintain proper records of private hire vehicle   | 3                        |
| Failure to keep or produce records of private hire bookings or other documents required to be kept or produced   | 6                        |
| Misleading use of the words 'taxi' or 'cab' on advertising materials   | 3                        |
| Failure to issue receipt on request  | 4                        |
| Failure to notify the Licensing section, in writing , of any motoring or criminal conviction, caution or drug warning, as soon as practicable and in any case within 24 hours.             | 6                        |
| Fail to notify the Licensing section in writing as soon as practicable, and in any case within 24 hours, of being the subject of an investigation for other than a minor motoring offence. | 6                        |
| Fail to notify the licensing section as soon as practicable, and in any case within 24 hours, of being issued with a fixed penalty notice.   | 6                        |
| Failure to display fare card   | 3                        |
| Failure to attend punctually at appointed time and place without sufficient cause  | 4                        |
| Failure to surrender a hackney carriage/private hire drivers licence/badge/plate after suspension, revocation or refusal to renew  | 4                        |
| Operating the horn and/or shouting as a means of signalling that the vehicle has arrived   | 3                        |
| Failure to deal properly with lost property.   | 4                        |
| Failure to comply with wheelchair requirements including provision of ramps and straps.  | 4                        |
| Using an e-cigarette in a licensed vehicle   | 3                        |
| failure to comply with any other conditions  | 3                        |
| Non Payment of the annual vehicle fee for Private Hire Operators   | 12+<br>Committee         |
| Fail to attend CSAE training without reasonable excuse.  | 12+<br>Committee         |
| Breach UK immigration laws   | 12+<br>Committee         |

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

Persons responsible for the vehicle will include the owner of the vehicle, any person hiring the vehicle or person responsible for organising the maintenance of the vehicle if licensed (otherwise the driver). This part does not apply to Private Hire Operators unless the vehicle is under their direct control.

If a private hire operator fails to pay the annual vehicle fee in respect of the number of cars they have working for them they will receive 12 council penalty points and will be referred to the Appeals and Regulatory Committee to determine whether they remain 'fit and proper' to hold their private hire operator's licence.



# **Hackney Carriage and Private Hire Licensing Policy**

# **Application Guidance**

## **5.1 Introduction**

This guidance should be used by anyone wishing to obtain a Hackney Carriage, Private Hire or Contract driver's licence thereby enabling them to drive the relevant licensed vehicle. These licences are normally valid for three years.

## **5.2 Driving licences**

A hackney carriage driver's licence allows the holder to drive hackney carriage, private hire and contract vehicles.

A private hire driver's licence restricts the holder to drive only private hire or contract vehicles.

Limited private hire only licences may be granted for contract driving, i.e. Contract Drivers. A contract driver's licence shall be granted for specific contracts and vehicles. A contract driver CANNOT drive normal licensed Private Hire Vehicles and Hackney Carriages.

## **5.3 Restrictions on licence**

Only drivers licensed by Chesterfield Borough Council are allowed to drive vehicles licensed by the council, even though the vehicle may be insured for social, domestic and pleasure use.

## **5.4 Enforcement measures**

The Council recognises that well directed enforcement activity by the Council benefits the public and the members of the hackney carriage/private hire trade.

The Council aims to operate a consistent and proportionate enforcement regime to balance the need of public safety alongside that of an individual's business. In order to ensure compliance with the Council's Hackney Carriage and Private Hire Policy a 'Breaches of Licensing Conditions and Convictions Scheme' will be used, included in your application pack as section 4. This aims to serve not only as an early warning system to drivers and should be read carefully on application but also as a consistent and transparent means of enforcement.

Licence holders are reminded that penalty points can be awarded to both the drivers and proprietor of a vehicle, depending on the circumstances.

## **5.5 Application criteria**

Due to the application process, you must be able to;

- a) Read and write to an acceptable standard in the English language;
- b) Have held a full driving licence (not a provisional) for at least 12 months;
- c) Have a good knowledge of the Chesterfield and surrounding areas;
- d) You must be a 'fit and proper person'; and
- e) Be eligible to live and work in the UK, as defined by the Immigration Act 2016.

## **5.6 National Register of Taxi Licence Refusals and Revocations (NR3)**

The council provides information to the National Register of Taxi Licence Refusals and Revocations, a mechanism for licensing authorities to share details of individuals who have had a licence to drive a hackney carriage or private hire vehicle revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Therefore:

- a) Where a hackney carriage or private hire licence is revoked, or an application for one refused, the authority will automatically record this decision on the national register;
- b) All applications for a new licence or licence renewal will automatically be checked on the national register. If a search of the register indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of a search on the register will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on the national register itself will be limited to:

- c) Name
- d) Date of birth
- e) Address and contact details
- f) National insurance number
- g) Driving licence number
- h) Decision taken
- i) Date of decision
- j) Date decision effective

Information will be retained on the national register for a period of 25 years. This is a mandatory part of applying for and being granted a hackney carriage / private hire licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on the register, and about the use it will make of any further information provided to it. You can read that policy at [www.chesterfield.gov.uk](http://www.chesterfield.gov.uk)

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under the register are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any data from the national register will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at 01246 345345. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website:  
<https://ico.org.uk/make-a-complaint>

## **5.7 Starting an application**

Application forms are available from the licensing team who are based in the Council's Customer Service Centre at 85 New Square, Chesterfield, S40 1AH.

Early contact with the team is strongly recommended to ensure you are aware of all current requirements and to register you at an early stage for the Disclosure and Barring Service (DBS) update service and DVLA monitoring.

The team can be contacted on **01246 345230** or by email [licensing@chesterfield.gov.uk](mailto:licensing@chesterfield.gov.uk).

The service counter opening hours are:

Monday - 10.00am to 12.00 noon and 1.00pm – 4.00pm  
Tuesday – 1.00pm – 4.00pm  
Wednesday - 10.00am to 12.00 noon and 1.00pm – 4.00pm  
Thursday – 1.00pm – 4.00pm  
Friday – 10.00am – 12.00 noon and 1.00pm – 3.30pm

In addition, the service counter is open from 10am-12 noon and 1pm-4pm on the weekday following a bank holiday.

## **5.8 New application requirements**

### **DVLA licence**

You must provide a full driving licence (not provisional) which authorizes you to drive a motor car when you first apply. This full licence needs to have been held for a minimum of 12 months. A copy of this licence will be taken at the time you submit the DVLA Data Protection Mandate to the Council's Licensing Section.

### **DVLA – Data Protection Mandate.**

You must consent to the council monitoring your driving record via our preferred supplier (currently Intelligent Data Systems), sign the appropriate mandate and pay the fee; the mandate lasts for three years.

A licence will not be issued until a satisfactory reply has been received from the DVLA or intermediary.

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

A check with the Disclosure and Barring Service, in accordance with the provisions of Section 47 of the Road Traffic Act 1991, will be required on initial application and renewal using the DBS Update Service with the applicant responsible for any fees incurred.

A valid DBS certificate, being less than one month old (to register with the DBS update service) is required from the following together with the licence holder or applicant successfully signing up to the DBS Update Service.

- a) Holders of a private hire, hackney or contract licence, to an enhanced level to include barred lists for both children and vulnerable adults.
- b) Private hire operators, to a standard level.

- c) Vehicle proprietors, both hackney and private hire, to a standard level.
- d) Private hire dispatchers, to a standard level as verified by their operator.

If, at any time, the DBS certificate is no longer valid the council reserves the right to suspend or revoke the licence depending on the circumstances; this includes failure to pay the annual subscription fee to the DBS.

A DBS certificate is not required from a hackney carriage or private hire proprietor or private hire operator if the person already holds a valid drivers licence with this council.

### **5.10 Driving ability test**

This test is administered by 'AA Drivetech' on behalf of the council. AA Drivetech is committed to improving driving standards through its testing and assessment activities. As a professional driver you have a greater responsibility to ensure that your passengers have a comfortable, safe and enjoyable journey. This accredited practical assessment aims to improve the standards of customer safety and comfort.

All new applicants for driver's licenses with Chesterfield Borough Council will be required to produce evidence that they have successfully passed the AA Drivetech practical driving test.

Officers may defer the requirement to pass the AA Drivetech driving test for a maximum of three months, during which time the applicant can drive a licensed vehicle. This decision can only be based on the availability of a test centre, the efforts made to obtain a test appointment and the driving history of the applicant. It cannot be based on the inability of the applicant to pass the test.

To book a practical driving test or for any enquiries please contact AA Drivetech on **0345 373 1360** or email [tellmemore@AADrivetech.com](mailto:tellmemore@AADrivetech.com)

The test is reflective of modern driving practices and the standard is set at a level suitable for the full driving licence holder.

The aim of the assessment is to assess the attitude, behaviour and competence of taxi drivers to ensure they demonstrate a high degree of driving competence to maximise driver and passenger safety.

Booking options - selected dates available:

Session 1: 0900 – 10.00

Session 2: 10.15 – 11.15

Session 3: 11.30 – 12.30

Session 4: 13.00 – 14.00

Session 5: 14.15 – 15.15

Session 6: 15.30 – 16.30

The candidate should present an un-plated ordinary privately owned car for the purpose of the assessment which must be fully insured and road legal.

### **5.11 Wheelchair accessible vehicles**

Paragraph 3.6 of this policy requires all drivers who drive a wheelchair accessible vehicle to pass a test of competence to do so. The test can be taken by the following means.

- a) NVQ in Road Passenger Vehicle Driving (Taxi & Private Hire) (7439) Unit 228 from City and Guilds; or
- b) NVQ A/602/6061 from Edexcel; or
- c) Equivalent from another NVQ provider,

#### **NVQ providers**

Pearson Edexcel,

0845 618 0440

[students@pearson.com](mailto:students@pearson.com).

City & Guilds

0844 543 0033

[centresupport@cityandguilds.com](mailto:centresupport@cityandguilds.com)

#### **Passenger Assistance Training Scheme (PATS) providers:**

Skills UK

01623 499200

[lynne@skillsuk.org](mailto:lynne@skillsuk.org) or [chris@skills.org](mailto:chris@skills.org)

Community Transport Association

0161 351 1475

[info@ctauk.org](mailto:info@ctauk.org)

Once the relevant qualification has been accepted by the council a small wheelchair logo will be inserted onto the driver's badge, thereby indicating they are qualified to drive a wheelchair accessible vehicle.

## 5.12 Medical

You must arrange your own medical check unless you hold a current PCV and/or HGV license and are able to produce proof of this. A medical examination is required on the first licence application and then every 3 years from when first licensed, and annually after age 65.

The medical can be carried out by a Doctor of the applicants' choice but **must** be carried out to **DVLA Group 2 Medical Standard**. Such certification must be no more than **three months old**. The Doctor will need to complete The Group Two Medical form within the application form, sign and use the official stamp of the surgery.

Drivers **must** inform the Licensing Section of any changes or deterioration in their health that may affect their driving capabilities, and may be asked to obtain further medical confirmation from their medical practitioner that they remain fit to drive under Group Two requirements. Such notification must take place as soon as practicable.

The driver will be responsible for paying the fee for the examination and completion of the Group Two medical form to the relevant surgery. If there is any doubt that a driver remains medically fit, the Council may require the applicant to undergo further medical examination at the applicants own expense.

**Guidance for Diabetes treated with tablets/Insulin Injections.** (as per application forms)

You are reminded that a licensed driver is responsible for informing the licensing section of any changes to their health, which includes diabetes. The Group Two Medical form currently asks if a driver is treated with tablets or insulin. If the answer to either of those questions is yes the driver needs to adhere to the following procedure:

**Diabetes -Treated by Insulin or managed by tablets which carry a risk of inducing hypoglycaemia**

If diagnosed as requiring treatment by insulin or managed by tablets, which carry a risk of inducing hypoglycaemia, the driver will need to



inform the Council as soon as possible and provide written confirmation from their Doctor or Diabetic Nurse/Consultant of;

- a) The date of being diagnosed;
- b) That there has not been any severe hypoglycaemic event in the previous 12 months;
- c) The driver has full hypoglycaemic awareness;
- d) The driver must show adequate control of the condition by regular blood glucose monitoring, at least twice daily and at times relevant to driving;
- e) The driver must demonstrate an understanding of the risks of hypoglycaemia and there are no other declaring complications of diabetes.;
- f) There are no other declaring complications of diabetes.

### **The requirement for references has been removed**

#### **5.13 Knowledge test**

To obtain a licence to drive a licensed vehicle the applicant must pass a test of their knowledge, the purpose of which is to ensure the applicant has an acceptable knowledge of the borough of Chesterfield and surrounding areas, the council's licence conditions, basic numeracy and the ability to read, understand and write English.

The knowledge test is administered electronically and covers all elements of the licence being applied for. The following categories apply to the licence specified.

#### Hackney Carriage

- a) The law relating to licensed vehicles and the Council's licence conditions and policy;
- b) Geographical areas in and around Chesterfield; and
- c) Customer Care.

#### Private Hire

- d) The law relating to licensed vehicles and the council's licence conditions and policy;
- e) Geographical areas in Chesterfield; and
- f) Customer care.

### Contract Hire

- g) The law relating to licensed vehicles and the council's licence conditions and policy;
- h) Customer care.

Upgrades are available from Contract Hire to Private Hire, and from Private Hire to Hackney Carriage.

### **Who must take the Test?**

All new applicants must take the test.

### **What should the applicant bring with them to take the test?**

The applicant should bring with them their application form and photographic identification, which must be either a DVLA photo card licence or a passport.

The test will be overseen by council staff and they will check the applicant's identification and details.

During the test the applicants mobile phone(s) must be placed on top of the table in front of the applicant and be switched off. Applicants cannot use any other devices or literature to assist them with the test.

### **When will I know the result?**

Applicants will be given the result at the end of the test.

### **What if I fail?**

You can retake the test (on payment of a fee).

Knowledge tests are held according to demand at Customer Service Centre between the hours of 9.00am and 12.00m. Applicants who fail to keep a test appointment or who arrive late will not be permitted to sit the test, the test fee will not be refunded and it will be treated as a failure.

To assist in preparation for the test, you are advised to study:

- i. Licence conditions for licensed Hackney Carriage/Private hire drivers;

- ii. Licence conditions for vehicles
- iii. Street guides for the Chesterfield area.
- iv. Basic numeracy
- v. Best Practice/Advisory Notes
- vi. Customer Care

### **Best Practice/Advisory Notes for the Knowledge Test.**

Private hire vehicles must be booked via an operator. A private hire vehicle driver is not allowed to use their radio to book a customer a private hire vehicle. All bookings must go through the operator base and be made by the actual person wishing to hire the private hire vehicle.

Should you lose or misplace your hackney carriage/private hire driver's licence or your vehicle licence you need to report the loss to the Council's Licensing Section immediately and purchase a replacement.

Your DBS check via the DBS update service remains valid provided you pay the annual subscription fee. The Council does accept criminal record checks from other organizational bodies, such as Derbyshire County Council and NEDDC provided they are Enhanced, are no more than 30 days old and have requested information on the child/adult barred lists.

You cannot carry more passengers in the vehicle than the number specified on your vehicle licence plate and licence.

Before starting work a driver should check that the vehicle he/she is driving is safe. Specifically they should check the tyres, lights, seats, general maintenance, oil, windscreen wipers, wash fluid and that the vehicle is carrying all the required items under the Hackney Carriage/Private hire vehicle policy.

The driver should also check that he/she has both his/her hackney Carriage/private hire driver's licence badges with him/her and that he/she wears one at all times whilst working and displays the second on the dashboard of the vehicle.

A hackney carriage cannot charge more than the metered fare for a journey within the borough irrespective of how that was arranged (rank, hailed or pre-booked).

Before the start of a hiring for a journey which ends outside the district agreement can be made to pay an amount which is more than the metered fare but if no agreement is made only the metered fare can be charged.

Hackney carriage drivers, can when working, offer a discount on the metered fare (within or outside the district) as long as it is less than the hackney tariff set by Chesterfield Borough Council.

Only a licensed hackney carriage/private hire vehicle driver can drive a licensed vehicle. All signs on the hackney carriage/private hire must be self-adhesive.

No magnetic signs are acceptable. Magnetic side signs may be an exemption on a temporary lease car licensed by Chesterfield Borough Council provided that the Council has given prior written approval.

As the driver of the vehicle you are responsible for securing a wheelchair passenger in a licensed vehicle.

### **Customer Care**

When carrying a disabled passenger, one of the most important things to do, is talk to your passenger to find out if any assistance is needed and if yes, provide it to the best of your ability.

If another motorist cuts across your path forcing you to brake, whilst carrying a passenger, the first action you should take is check that your passenger is safe and all right.

If a passenger requests a receipt you should write on the receipt, name of business, date, fare, where to and from and your signature as driver before handing it to them.

You should not carry a wheelchair in a hackney carriage vehicle sideways. 'Medical Devices Agency' states wheelchair users should not travel with the wheelchair sideways.

When you have a wheelchair passenger on board your licensed vehicle you should drive smoothly and progressively, avoiding sharp cornering, hard braking and sudden acceleration.

If you are requested to pick up a person from their home, on arrival, you should go to their door, as they may have hearing difficulties, mobility problems or be elderly and require your assistance.

If you arrive at your next pick up and you see that the passenger is in a wheelchair, which won't fit in your vehicle, you need to explain the situation to the passenger, contact your operator and request that a larger vehicle be sent as soon as possible. If a suitable vehicle is not available the operator will need to contact another operator and see if they have a suitable vehicle available.

#### **5.14 Renewal application for drivers**

A driver's licence is valid for 3 years. Approximately 6 weeks prior to expiry a renewal application and reminder will be sent to you, together with an additional sheet containing the status of your DBS, MEDICAL or DVLA mandate.

On renewal you will need to bring the following with you;

- a) Completed application form;
- b) DVLA licence;
- c) Disclosure & Barring Service application form and Certificate of Good Conduct (if required);
- d) Medical, Group Two requirement, form to be completed by Doctor (if required).
- e) The appropriate fee.

#### **5.15 DVLA data protection mandate**

This form is to be completed by the applicant **in black ink** to confirm his/her entitlement to drive. It must be filled in and signed in all cases by the driver. Forms not completed correctly or not signed will not be accepted and may delay your application.

Payment of the appropriate fee (for three years) must be made at the time of submission. The mandate will remain valid for three years and will be submitted annually on the anniversary of the licence being first issued.

#### **5.16 Stretched limousine test**

The limousine road test will take approximately one hour and is designed to ensure that:

- a) Drivers of these types of vehicles have full knowledge of the vehicles dimensions;
- b) The driver has control of the vehicle at all times;
- c) The safety of passengers is not compromised in any way;
- d) The vehicle does not present a danger to pedestrians or cause any inconvenience to any other road user.

The driver must demonstrate that they have full control of the vehicle within the environment where they will be operating, by showing that they can negotiate corners, roundabouts and any obstructions in the road, i.e. parked vehicles, in such a manner as to present no danger to other road users or pedestrians to insure the safety and comfort of passengers.

### **5.17 Vehicle test**

All vehicles licensed by the Council under this policy must undergo a taxi vehicle test and MOT. These are to be carried out by a garage selected by Chesterfield Borough Council. Currently this is the North East Testing Station and they can be contacted on 01246 217273 or 01246 217274.

Vehicles should be booked in at least a minimum of 3 weeks prior to their vehicle plate/licence expiring. If driver/operators choose to leave bookings to nearer the expiry date they may not be able to be booked in prior to their vehicle's expiry date.

New vehicles being tested for the first time will need to pay the cost of the test at the time of booking whereas a person booking a 6 monthly renewal test can pay on the day of the test. This is to avoid slots being booked for possible new vehicles which are then not used.

If you cancel the test appointment prior to its test slot you will not be charged the testing fee. Should you fail to show for your allotted test you may incur a cost on rebooking the vehicle. This is to avoid time slots being wasted.

You will need to give the following details when booking your vehicle in for a vehicle test;

- a) Details of the operator you work for

- b) Registration of vehicle
- c) Make and model of vehicle
- d) Licence plate details if a renewal.

On attending the vehicle test you will need to produce the following documents:

- e) Meter calibration certificate if meter fitted
- f) V5 Document

The cost of the test can be paid by cheque, cash or card to the Testing Station itself. The use of a credit card incurs an additional charge.

Should an invalid payment be made, i.e. a cheque is returned un-bankable you will be asked to repay the test fee. Failure to do so may result in a test failure.

On testing the vehicle you may be, advised of minor failures, of which there is a list within the North East Testing Station reception. The testers will look at each case in its own merits and determine whether if minor failures the re test will be free if the vehicle is brought back within 10 days.

If the failures of the vehicle test are deemed to be more than minor there will be a test fee determined by the time it takes to return the vehicle for retest.

# **Hackney Carriage and Private Hire Licensing Policy**

## **Terms of Reference**

# **Hackney Carriage and Private Hire Consultative Committee**



## **Purpose of the Committee**

The Consultative Committee will meet with local representatives of the taxi trade to discuss matters of mutual concern and interest relating to the licensing of vehicles, drivers and operators.

The Committee is an informal consultative body and not a decision making body (nor is it a Committee or Sub-Committee of the Council, Cabinet or of any other Council Committee) as this responsibility lies with the Appeals and Regulatory Committee or the delegated Council officer, but would be used for first stage consultation on any proposals by either the Council or the taxi trade.

Individual grievances are not issues for the Committee and should be raised with the Council on an individual basis.

The Consultative Committee will act as a representative body for the whole hackney carriage and private hire trade, ensuring consultation with all licence holders to enable the Council to make fully informed decisions.

## **Membership of the Committee**

The Committee shall comprise of 3 hackney carriage licence holders (persons who drive or own a hackney carriage) and 3 private hire licence holders (persons who operate or drive or own a private hire vehicle) licensed by the Council and 3 elected members of the Council selected in accordance with the political balance of the Council.

Nominations for the 6 places allocated to members of the trade shall be invited once every two years, to be made in writing, specifying whether as a hackney carriage licence holder or private hire licence holder, with each nomination requiring the written support of 10 other licence holders (hackney carriage or private hire as appropriate). In the event of there being fewer than three nominations for each category of licence holders, then nominations with fewer than 10 supporting licence holders will be considered.

Of the 6 places allocated to members of the trade, 2 of those places should, if nominations are made, be filled by trade members who represent minority ethnic members of the trade (one from each of the hackney carriage and private hire sections).

If more than 6 trade members are nominated for membership of the Committee, all of those nominated will be invited to consider agreeing which 6 nominations to put forward to the Council, subject to at least 2 places being filled by members who represent minority ethnic members of the trade if such nominations are made (as above). In the event of there not being majority agreement of all those nominated, the elected members of the Council who are members of the Committee will decide which trade members shall be appointed having regard to achieving as wide a representation as possible from different operators and drivers and to equalities issues.

There will be opportunity for appointing one reserve for each section (hackney carriage or private hire) who can attend in the absence of one of the other 3 representatives.

In the event of there being less than 6 trade members in total at any one time, the Committee may decide to continue to function, and in the event that a vote on such a matter is a tie the Chair will have a casting vote.

The Committee shall not include as a member any elected member of the Council who is a member of the Appeals and Regulatory Committee or who is a licence holder or any elected member of the Council whose spouse, civil partner, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece (including relationships by blood, marriage and civil partnership) is a licence holder. Spouse or civil partner includes a relationship of living together as if they were husband and wife or living together as if they were civil partners.

Officers of the Council will attend the Committee to advise the Committee members. In addition, officers from other organisations such as the Police, DCC (Highways) etc. may be invited to attend as necessary.

Members shall retire after two years and shall be eligible for re-appointment.

Members of the Committee that fail to attend without good reason for two consecutive meetings will forfeit their place. Members must attend in person to contribute to the meetings.

The quorum for a meeting of the Committee shall be 3 members of which at least one member must be an elected member of the Council.

## **Role of Members**

To assist with representing the views of the trade as a whole and to report back to them any progress.

To assist with disseminating information to the trade to ensure that all licence holders are fully informed of the Council's policies and procedures.

## **Chairperson**

The Chairperson and Vice Chairperson of the Committee will be members of the Council, appointed annually by the Leader.

The Chairperson will ensure that all views are heard and recorded in an accurate manner.

The Chairperson will ensure that the recommendations of the Committee are forwarded to the Licensing Manager and the Appeals & Regulatory Committee.

## **Frequency of Meetings**

The Committee will meet at least four times per calendar year and at shorter intervals as deemed necessary.

## **Secretarial Support**

Committee meetings will be primarily held at the Council's Offices or at alternative venues with appropriate notice.

The Council will make arrangements to record and reproduce minutes of full Committee meetings.

Notification of each meeting of the Consultative Committee, including an agenda and minutes of the previous meeting, will be published on the Council's website and distributed to members of the Committee at least one week prior to the meeting.

## **Reporting Mechanisms**

Any recommendations from the Committee will be considered by the Council's Appeals and Regulatory Committee.

Where appropriate, the recommendation will be supported by a full report of the issues considered and the reasons for the recommendation. This may involve details of the consultation undertaken with the trade as a whole.

Once the Appeals and Regulatory Committee have considered a recommendation, a response will be sent to the Committee in the first instance for dissemination to the trade.

### **Transparency**

The Committee is expected to be open, transparent and accountable. The Committee should ensure that all interests have a voice where necessary and that hard to reach groups are engaged and represented.

### **Amendment of the Terms of Reference and Dissolution**

The power to amend the Committee's Terms of Reference is delegated by the Council to the Appeals and Regulatory Committee.

The power to amend the Committee's terms of reference includes, in exceptional circumstances, giving retrospective effect to a decision made by the Committee.

The Committee may only be dissolved by a resolution of the Council.

# **Hackney Carriage and Private Hire Licensing Policy**

# **Private Hire Operators and Hackney Carriage Proprietors**

## 7.1 Operators and proprietors

The term operator refers to private hire operator, as defined by the Local Government (Miscellaneous Provisions) Act 1976. The term proprietor refers to the individual, limited company (together with its directors and secretary) or **all** members of a partnership. This is not an exempt occupation for the purposes of the Rehabilitation of Offenders Act 1974 and the council requires a standard DBS certificate and agreement to join the DBS update service from all operators and vehicle proprietors.

A DBS certificate is not required if the person concerned already holds a valid drivers licence with this council.

The overriding aim of the council when carrying out its licensing functions is the protection of the public and others who use (or can be affected by) hackney carriage and private hire vehicles.

The relevant legislation provides that any person who wishes to hold a private hire operator of hackney carriage proprietor licence must satisfy the council they are a fit and proper person.

## 7.2 Operator's licence

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 no person shall in a controlled district operate any vehicle as a private hire vehicle without having a current Private Hire Operator's licence.

A Local 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. A private hire operator's licence will be valid for five years.

In determining whether an applicant is 'fit and proper' to operate private hire vehicles and drivers in Chesterfield the Council shall have regard to the following factors:

- a) Any previous convictions of relevance;
- b) The applicant's financial standing;
- c) The applicant's general character;
- d) The applicant's knowledge and experience of the private hire profession;

- e) The applicant understanding of his/her responsibility as a private hire operator and their commitment to abide by the terms and conditions of the private hire operator's licence.
- f) The Immigration Act 2016, in particular the applicants right to live and work in the UK.
- g) The applicant attends a training session on child sexual abuse and exploitation approved by the council. Failure, without reasonable excuse, to do so may result in the awarding of 12 penalty points and a referral to the Appeals and Regulatory Committee. At licence renewal, licences holders must demonstrate an acceptable level of CSAE awareness before their application can be granted.
- h) Only when the Council is satisfied on all these points will it consider granting/renewing a private hire operator's licence. However, before granting the licence the Council will have to be satisfied that the premises from which the applicant intends to operate is suitable.

### **7.3 Private Hire Operators Licence - Approval**

When the Council is satisfied with the fitness of the applicant and the suitability of the applicant's premises then a private hire operator licence can be granted or renewed subject to standard terms and conditions plus any other special conditions which the Council deems necessary.

The Council takes the view that as the person responsible for recruiting private hire vehicles and drivers, for accepting bookings and for fulfilling customer expectations, the role of the private hire operator is crucial. It is he/she who can set the standards expected by the Company and ensure that vehicle proprietors and drivers meet those standards and customers' expectations. It is also important that the private hire operator recognises the role of the Council as the Licensing Authority and works in partnership with the Council to achieve high standards.

### **7.4 Aim of the policy**

The aim of the Council's policy is to ensure that only persons who are honest, professional and committed to meeting the Council's high standards are licensed as private hire operators in Chesterfield. It is hoped that through this policy the Council, the private hire trade and ultimately the people of Chesterfield will benefit from a high quality, professional private hire service.

## **7.5 Detailed consideration of 'fit and proper' for both operator and proprietor**

Every applicant (unless they are a licensed driver with the Council) will be required to;

- a) Provide a Statutory Declaration
- b) Provide a standard DBS certificate and sign up to the update service.
- c) Operators/Hackney Carriage proprietors from other countries will be required to provide a Certificate of Good Conduct from the embassy of any country where they have been domiciled before entering the UK. If, for any reason, the applicant is unable to produce a certificate of good conduct they must provide acceptable answers to a prepared questionnaire about their offending history, together with details of referees.
- d) Provide documentation as required by the Immigration Act 2016, as per Appendix 5.

In respect of an application from a partnership, each and every partner will be required to submit a separate DBS certificate and join the DBS update service.

In respect of an application from a limited company, each director and the company secretary and the person who is the manager of the private hire operation will be required to provide a valid DBS certificate and sign up to the update service.

## **7.6 Private Hire Dispatchers – DBS Requirements**

A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

Operators are required to:

- a) Maintain a register of all staff that will take bookings or dispatch vehicles.
- b) Record evidence they have had sight of a standard DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that standard DBS checks are conducted on any individuals



added to the register and that this is compatible with their policy on employing ex-offenders.

- c) DBS certificates provided by the individual should be less than 3 months old when viewed.
- d) Those on the register must inform the private hire operator of any convictions they receive while employed in the role.
- e) The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records.
- f) Should an employee cease to be on the register, but then be re-entered on the register at a later date, a new basic DBS certificate should be requested and sight of this recorded.
- g) Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.
- h) Operators, or applicants for an operators' licence, must provide their policy on employing ex-offenders in roles that would be on the register as above to the council.
- i) Those with a conviction for offences provided in the Hackney Carriage and Private Hire Licensing Policy may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## **7.7 Conditions of licence**

If you breach any of the conditions contained in this Licence, contravention points may be awarded as per the provisions of this policy which, ultimately, may result in the suspension or revocation of your licence.

You must be aware of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 together with other legislation that may affect your business, including:

- a) Town and Country Planning Act 1990,
- b) Health and Safety at Work 1974,
- c) Immigration Act 2016 etc. may be applicable.

You must check the extent to which you or your business is affected by these provisions and comply with them.

## **7.8 Passenger carrying vehicle**

Private hire operators can operate vehicles with more than 8 passenger seats through a system of regulation overseen by the area traffic commissioners. Passenger Carrying Vehicles (PCV) licensed drivers are subject to different checks to taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers.

Because of the different check levels, private hire operators must not substitute a PCV for a private hire vehicle without the informed consent of the booker.

### **7.9 The applicant**

The applicant must demonstrate an understanding of the standard conditions that apply to an operator's licence prior to it being issued. All Private Hire Operators licences granted by the Council are subject to the standard conditions and these must be complied with at all times; failure to do so may result in the licence being suspended, revoked or a renewal application being refused.

### **7.10 Conditions of the licence**

All operators' licences contain standard conditions that must be complied with.

In addition, the council may impose additional conditions where it feels they are necessary. These could relate personally to the Operator or to the Operator's premises. As with the standard conditions the Operator is expected to comply with them at all times.

Authorised officers will carry out checks periodically on operators in order to ensure compliance with the licence conditions. If non-compliance with the conditions is identified then enforcement action will be taken in accordance with the Environmental Services Enforcement Policy. The results of these checks will be recorded and considered when an operator applies to renew the licence.

An operator's licence lasts for five years, with the core fee payable in advance and the vehicle element to be paid every twelve months, If a private hire operator fails to pay the annual vehicle fee in respect of the number of cars that they have working for them they will receive 12 council penalty points plus attend Committee as to whether they remain 'fit and proper' to hold their private hire operator's licence.

### **7.11 Duties as an operator**

## Vehicles

Each Private Hire Vehicle that is operated under the terms of your licence must be licensed by Chesterfield Borough Council under the Local Government (Miscellaneous Provisions) Act 1976, and be insured for the purposes of private hire or reward. The Council will not accept insurance for a private hire vehicle that states it has 'public hire' insurance.

You must do as much as you reasonably can to make sure that vehicles that you operate always meet the requirements of the Hackney Carriage and Private Hire Licensing Policy.

## Drivers

You must only use drivers who are licensed by Chesterfield Borough Council under the Act to drive Chesterfield licensed vehicles.

Subject to the provisions of the voluntary code of practice at paragraph 7.9 of this policy, non-Chesterfield hackney carriages may be used for private hire purposes within the controlled area of Chesterfield Borough Council.

You must do as much as you reasonably can to ensure that drivers who drive vehicles operated by you:

- a) Have a good understanding of the council's Hackney Carriage and Private Hire Licensing Policy and are complying with its various conditions;
- b) Do not ply for hire or pick up or set down passengers at hackney carriage stands or anywhere that may cause an accident or an obstruction; and
- c) Are fit to drive.

### 7.12 Voluntary code of conduct for private hire operators using hackney carriages from other council areas.

| Measure  | Purpose  |
|--|--|
| 1) The hackney carriage must comply with all the requirements of a hackney carriage from the local authority that licences them. | To ensure the vehicle complies with the necessary regulations of its 'home' authority. |
| 2) The hackney carriage must be registered on the licence of a Chesterfield private  | To ensure the operator keeps within the limits of their licence and that               |

|   |  |
|---|--|
| hire operator, with all the implications that brings.<br>3) This registration to include details of who is the driving the vehicle every time it is used. | bookings are recorded by the operator.     |
| 4) The operator must satisfy themselves that the driver is licensed by the relevant local authority to drive the vehicle.                                 | To ensure drivers are authorised to drive. |
| 5) The vehicle must not have more than one taximeter installed.   | To avoid confusion by passengers.          |
| 6) Drivers must comply with the Chesterfield Borough Council's code of conduct for licensed drivers, see paragraph 1.21 of this policy.                   | To ensure minimum standards of behaviour.  |
| 7) Drivers must not breach the provisions of the council's penalty point scheme, outlined in this policy.   | To ensure minimum standards of behaviour.  |

### **7.13 Radio**

The radio equipment that you operate must be properly maintained. It must comply with all Government guidelines regulating the use of such equipment and must not interfere with other radio or telecommunications equipment.

### **7.14 Nuisance**

You must make sure that your business does not cause a nuisance to or annoy anyone who lives near your premises.

### **7.15 Public liability insurance**

You shall maintain in force for the duration of the licence a Public Liability Insurance Policy providing a minimum of £5m indemnity in respect of any one incident.

### **7.16 Fares for vehicles without meters**

You must ensure that the fares table for the vehicle can be easily seen by passengers and send a copy of the fares table to the Licensing Officer. If you make any amendments or variations to the fares table, you must send a copy to the Licensing Officer within 7 days of such changes being made.

### **7.17 Fares for vehicles with meters / taximeters**

You must ensure that the fares table for the vehicle can be easily seen by passengers and send a copy of the fares table to the Licensing Officer. If you make any amendments or variations to the fares table, you must send a copy to the Licensing Officer within 7 days of such changes being made.

### **7.18 Advance bookings**

When one of your vehicles has been hired in advance you must make sure that it does not arrive at the pick-up point late, unless something unavoidable has happened to delay or prevent it being on time.

### **7.19 Name of the company**

The Council must be satisfied that the proposed name of the applicant's company is suitable and does not conflict with existing licensed operators.

### **7.20 Returning your licence**

The licence is the property of the Council and you must return it to the Council immediately if it is asked for or if you want to surrender it.

### **7.21 Records that must be maintained**

#### a) Operators' licence

A copy must be kept at the operators registered premises at all times.

#### b) Bookings

You or your staff must only accept bookings at the premises from which you are licensed to operate. Bookings through a mobile phone must be taken only at the base.

#### c) You must record the details about every booking made before the booked journey starts. You must record:-

- i. The time and date of the booking;
- ii. The pick-up and set down points;
- iii. The time and date when the journey is to start;
- iv. The name and, where possible, address of the hirer;
- v. The plate number and/or registration number of the vehicle which will be used;
- vi. The name and badge number of the driver who will drive the vehicle; and
- vii. The name of the person taking the booking.
- viii. Any other remarks, including details of any sub-contracting of the booking.

If you operate from more than one premise's, a record of every booking must be kept available for inspection at each premise, regardless of which premises received the booking.

If the records are compiled on a computer then they must be capable of being immediately printed onto paper if requested by an authorised officer or police officer. Any records kept on computer must not be capable of retrospective alteration or amendment.

You must keep all these records for at least six months from the date that the booking was taken. If a police officer or an authorised officer asks you to keep these records for longer than this then you must do so. Any such request must be made in writing.

Section 11 of the Deregulation Act 2015 allows private hire operator's to sub-contract to each other across licensing boundaries. This will allow operators to work more flexibly and potentially grow their businesses. The triple licence requirement, that private hire operators are licensed within a district and must only use vehicles and drivers licensed by the same authority as their operator's licence, remains.

d) Vehicle details

You must keep the following details about each vehicle that you operate:-

- a) The name and address of the owner of the vehicle.
- b) The name and address of the person who holds the vehicle licence.
- c) The expiry date of the vehicle licence.
- d) The registration number of the vehicle.
- e) The make, type and colour of the vehicle.
- f) The Plate Number of the vehicle and
- g) A copy of the current insurance certificate for the vehicle

e) Driver details

You must keep the following details about each driver you authorise to operate under the terms of your licence:-

- i. Their name and address.
- ii. Their badge number;

- iii. Their driving licence number;
- iv. A copy of their licence to drive a private hire vehicle; and
- v. Details of their right to live and work in the UK.

f) Public liability insurance

A copy of the current certificate of public liability insurance.

## 7.22 **Duty to inform the council**

Note: Once a licence has been granted, your circumstances may change and these may influence whether you are still eligible to hold a licence. A licence is not transferable.

### **Conviction and or investigations**

You must inform the Licensing Section as soon as practicable, and in any case within 24 working hours of the following changes in your circumstances. Such notification to be in writing:-

- a) Any criminal charges made against the licence holder (driving or non-driving) during the currency of the licence.
- b) Any convictions for driving or non-driving offences during the currency of the licence.
- c) Any cautions for driving or non-driving offences during the currency of the licence or drug warnings.
- d) Any driving disqualification made against you during the currency of the licence.
- e) Any Mental Health Order imposed on you during the currency of the licence.
- f) Any Sexual Offences Order imposed on you during the currency of the licence.
- g) Any penalty points incurred on your DVLA driving licence.
- h) Any bankruptcy order or voluntary arrangement made against you.
- i) Any disqualification under the Companies Act 1985.
- j) Any winding up, administration, receivership or liquidation.
- k) Any anti-social behaviour order made against you.
- l) Any County Court judgements relating to sex, race or disability discrimination.

### **The business**

You must inform the Licensing Section in writing **within 7 days** of the following changes in your circumstances:-

- m) The vehicles that you use.

- n) Your home or the registered office address

### **Change of name and/or telephone number**

Any changes in the following must be notified in writing to the Licensing Officer at least **fourteen days** in **advance** of such changes:

- o) Change of telephone number

The operator must submit details of every telephone number proposed to be used in connection with the Operator's business.

If the Council believes that any of the numbers proposed conflict with those of existing operators, and could therefore confuse members of the public, then the applicant will be advised that those numbers cannot be used and must abide by this decision if the licence is to be granted.

Any new telephone number must not be used until the Council has granted written approval to the operator to do so. The Council will allow the use of mobile telephone numbers, however bookings for private hire vehicles can only be accepted at the premises stated on the licence, not whilst mobile or away from the base.

- p) Change of company name

The operator shall apply in writing to the Council if he/she wishes to change or add to the name of his/her Company. Any new name must not be used until the Council has granted written approval to the operator.

### **Company ownership**

- q) You must inform the council of any change in the ownership or controlling interest of the private hire operator company, including dissolution of any partnership, notification must be given to the council's licensing service, in writing, at least **21 days in advance**.
- r) The new owner or responsible person is required to submit an application for an operator's licence (whether or not the operating name remains the same). The application will be determined in accordance with this Policy.
- s) Failure to give the Council adequate notice of any change in ownership may mean that the business cannot continue to operate until the Council is satisfied that the new owner is a 'fit and proper' person.



### **7.23 Change of / additional premises**

Should a private hire Operator wish to change or add premises then planning permission for the new premises must be obtained or written confirmation provided to the Licensing Officer that planning permission is not required. Notification of such a change must be made to the Council, in writing, at least **21 days in advance of the change**.

Upon receipt of such notification the council will consult with Derbyshire Police, or Housing Services if the Council own the property. On completion of those consultations and providing no objections are received the Licensing Officer may determine the matter. Subject to approval being granted, the address of the new premises will be noted and a new licence will be issued on request (subject to payment of a fee).

### **7.24 Loss of licence**

If you lose your Licence you must write to the Council to let them know as soon as you are aware that you have lost it. A fee is payable for a replacement.

### **7.25 Complaints**

If a private hire operator receives a complaint about any part of the service they provide, including the behaviour of the driver, they should try to resolve the complaint providing it is not of a serious nature. If they are unable to resolve the complaint within seven days the council should be informed, giving full details of the complaint and any action that has been taken or will be taken. Serious complaints should be reported to the council as soon as possible.

If the Council receives any complaint regarding the conduct of an operator, then that operator's staff or drivers must co-operate with the investigation and provide such reasonable assistance to the Licensing Officer or the Enforcement Officers as they request.

All persons making a complaint to the Operator shall be informed of the telephone number and address of the Council.

### **7.26 Damage to vehicles**

If any vehicle working under the authority of a private operator becomes damaged and the damage affects the safety of the vehicle, its performance, appearance or its comfort and convenience to passengers, the operator must inform the council know as soon as possible and no

later than three days (72 hours) after the damage has occurred. An authorised officer or a police officer can suspend the vehicle licence until the damage is repaired to the satisfaction of the authorised officer or mechanics authorised by the Council to test the vehicle.

#### **7.27 Authorised officers**

Production of documents.

An authorised officer of the council or police officer can, at any reasonable time, ask to see the operator licence and/or any of the records that you are required to keep.

Obstruction of authorised officers

If an operator deliberately obstructs an authorised officer or a police officer or fails to comply with any request made by such an officer without any good reason they can be prosecuted. An operator can also be prosecuted if they tell an authorised officer or a police officer anything they know to be untrue when being questioned by them.

#### **7.28 DBS and right to reside and work in the UK**

On first application for an operators' licence applicants will be required to provide a standard DBS certificate and join the DBS update service. To be accepted on the update service the DBS certificate must be less than **30 days old**. A DBS certificate is not required if the applicant already holds a drivers licence with this council.

If, at any time, the DBS certificate is no longer valid the council reserves the right to suspend or revoke the licence depending on the circumstances; this includes failure to pay the annual subscription fee to the DBS.

Applicants must show they have the right to reside and work in the UK, as per the previous provisions of this policy.

#### **7.29 Change in conditions**

The Council may add or amend any Licence Condition.

You must, subject to (3) below, comply with any new or amended condition within 21 days of being given notice of it by the Council or any longer time stated by the Council.

If within 21 days of receiving written notice of a new or amended condition you appeal to the Magistrates' Court against it you will not have to comply with the condition until the appeal is determined or abandoned.

### **7.30 The Rehabilitation of Offenders Act 1974**

The above legislation does not apply to applicants for both hackney and private hire driving licences. They are required to disclose all convictions, including those that would normally be regarded as spent. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

In view of the significant responsibility held by private hire operators in terms of setting standards for their company, recruiting vehicles and drivers, and dealing with members of the public the Council believes that the operator must be a person of good character and should be an example to all those whom he/she employs or allows to drive on his/her behalf.

The Council therefore insists that applicants must at least fulfil the same requirements as applicants for private hire driver's licences in terms of being free from serious convictions. Serious convictions includes any formal cautions. The Councils "Breaches of Licensing Conditions and Convictions Scheme will be applied to applicants with convictions.

### **7.31 Previous convictions**

Any previous conviction that relates to an offence committed (in any licensed district) by the applicant while working as a Hackney Carriage or Private Hire Proprietor, Driver or Operator is regarded as extremely serious and the application is likely to be refused or an existing licence revoked.

An application will be considered where the applicant can show at least 3 years free from such convictions although if the applicant has more than one such conviction then a period of at least 5 years will apply.

This includes any offence against the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. In addition at the time of renewal of any private hire operator's licence the Council will consider the applicant's compliance with the licence conditions. In cases where there have been minor breaches of the licence conditions, these

will not usually prevent renewal of a licence but the applicant should be issued with a warning as to their future conduct.

In the case of more serious breaches of the licence conditions such as those outlined below, the council will usually refuse to grant or renew the licence:

- a) Where there is evidence of a repeated failure by the applicant to ensure that vehicles are maintained in a roadworthy condition; and/or
- b) There has been 2 or more (or 5% of the number of vehicles operated, whichever is the greater) convictions for plying for hire in any 12 month period of drivers working for an applicant and the applicant is unable to demonstrate that she/he has taken effective action to prevent such plying for hire;

This list is not exhaustive and should not be regarded as the only examples of serious breaches of the licence conditions.

### **7.32 Financial considerations**

Applicants for the grant of a licence must demonstrate they are solvent, of sound financial standing and free from any past financial irregularities. A self-declaration will be required from the applicant to this effect. In respect of existing licensed operators, a self-declaration will only be required if the Council believes that they may not be solvent or of good financial standing.

If the applicant has been declared bankrupt then an application will be refused or an existing licence revoked. An application will not be considered until their bankruptcy has been discharged.

If the applicant has been a director of a company that has gone into administration, then an application will usually be refused or an existing licence revoked. In cases where an applicant has been disqualified from being a director of a company, then an application will not be considered until their period of disqualification has expired.

### **7.33 General character**

As the person ultimately responsible for delivering a service to the public the Operator is expected to be a person of integrity. In particular the operator should be professional, amenable, decent and should display an even temperament at all times.

### **7.34 Experience / knowledge of the private hire trade**

It is desirable for applicants to have a working knowledge of the private hire trade preferably gained in Chesterfield as either a proprietor, driver or operator. This will help ensure the applicant understands the Council's requirements (and can satisfy them) and should assist the Operator in establishing his/her business and in delivering the service required.

### **7.35 The operators/applicants premises**

The operator/applicant's premises **must be within the Borough of Chesterfield**. Written planning permission for the premises to be used as a private hire booking office must be obtained prior to submitting an application for a private hire operator's licence. Where planning permission is deemed unnecessary then evidence of this must be produced in writing.

Once the appropriate Planning Approval has been obtained the application can be considered. However if the applicant proposes to allow members of the public to wait at the premises from which the applicant intends to operate, before granting the operator's licence officers will inspect the premises to ensure that they are suitable for accommodating members of the public and are properly furnished.

The suitability of the premises will be dependent upon its location, size, decor and facilities. Planning approval (if necessary) must be obtained before an application to operate from a particular premise is considered.

### **7.36 Processing the application**

Once a fully completed application form (including the fee) has been received by the Licensing Officer and evidence of planning approval (if necessary) for the premises to be used then consultations will be carried out with Derbyshire Constabulary.

Following completion of these consultations and on receipt of all the information required from the applicant, any inspections or meetings, which are necessary, will take place between the applicant and the Licensing Officer. If there are no objections to the application and the Licensing Officer is satisfied that the applicant is a fit and proper person, the Licensing Officer will issue the licence. The licence will last for 5 years.

The Appeals and Regulatory Committee will hear any applications referred to them as a result of using the Breaches of Licensing Conditions and Convictions Scheme, objections received to the grant of the licence,

concerns over financial self-declaration ~~reference~~ or where the Licensing Officer considers that the applicant is not a fit and proper person.

The Council will aim to process an application within 28 days of receipt if all the additional supporting information has been received (e.g. subject access search/statutory declaration, financial self-declaration etc.).

Successful applicants will have their licence granted by the Licensing Officer subject to the standard terms and conditions plus any additional conditions which members may deem necessary.

### **7.37 Renewal of licence**

The Operator's licence must be renewed in the fifth year. The form, together with the appropriate licence fee and documentation must be submitted to the Licensing Officer at least 10 working days prior to the expiry of the current licence.

Providing there are no objections or there has been no serious breaches of the licence conditions in the lifetime of the previous licence then the licence will normally be renewed by the Licensing Officer. If there are objections or there has been a serious breach of the licence conditions then the application will be referred to the Appeals & Regulatory Committee for consideration.

If an existing licensee fails to renew their licence prior to its expiry, then the Council shall not renew the licence but the person/organisation concerned will have to submit a new application.