

LICENSING AND REGULATION COMMITTEE

25 January 2011

STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY CARRIAGE  
AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS

REPORT OF HEAD OF LEGAL SERVICES

Contact Officer: John Myall Tel No: 01962 848443 jmyall@winchester.gov.uk

RECENT REFERENCES:

[LR 301 - REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER  
LICENCES - POLICIES AND PROCEDURES – 6 OCTOBER 2009](#)

[LR 265 – APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE  
DRIVER LICENCES – POLICIES AND PROCEDURES – 5 FEBRUARY 2008](#)

[LR 205 – APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE  
DRIVER LICENCES – POLICIES AND PROCEDURES – 12 DECEMBER 2006](#)

EXECUTIVE SUMMARY:

This report is to review the policies and procedures to be applied in determining applications for hackney carriage and private hire vehicles, drivers' licences and private hire operators' licences.

The purpose is to ensure a continuing high standard of vehicles, drivers and operators, and to introduce a penalty points system to deal with misdemeanours committed by licence holders.

RECOMMENDATIONS:

1. That the draft Statement of Licensing Policy with Respect to Hackney Carriage and Private Hire Drivers and Private Hire Operators attached at Appendix 2 be approved for publication as a consultation draft with the taxi trade and other relevant partners.
2. That the consultation process for the draft Licensing Policy set out in Section 4 of this report be agreed.
3. That in the event of no representations being received, that the draft Licensing Policy be adopted as the Council's Statement of Licensing Policy with Respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators with effect from 1 April 2011. That the Scheme of Delegation be amended to allow Head of Legal Services to revoke Hackney and Private Hire Vehicles, Driver and Private Hire Operator licences.

## LICENSING AND REGULATION COMMITTEE

25 January 2011

### STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS

#### REPORT OF HEAD OF LEGAL SERVICES

##### DETAIL:

##### 1 Introduction

- 1.1 The Council currently licences 132 hackney carriages, 197 private hire vehicles, 156 hackney and private hire driver's licences, 139 private hire driver's licences, and 56 operators licence.
- 1.2 The Hackney and Private Hire drivers Policies and Procedures are currently used by licensing officers when determining applications. These have been updated over the past few years.
- 1.3 The document provides guidance on the criteria and standards which must be met by applicants for such licences.
- 1.4 Applicants for driver licences already have to complete a Criminal Records Bureau check (CRB) and every three years thereafter.
- 1.5 There are certain offences which may result in the refusal of an application, or refusal to renew a licence, or even revoke an existing licence. These are detailed in the current Policies and Procedures (Appendix 1).
- 1.6 Applicants are required to undergo a medical examination and attain DVLA Group 2 standard. This is the same as the standard required for HGV and bus drivers. These are undertaken on application and at five yearly intervals, and then at the age of 63, and yearly after the age of 65.
- 1.7 Applicants are required to pass the Driving Standards Agency Taxi Driving Assessment test, and current drivers may be required to pass the test if their standard of driving is called into question.
- 1.8 Licensed hackney carriage (HC) and private hire (PH) drivers are required to comply with the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. They are also required to comply with local licence conditions attached to their licences.
- 1.9 Vehicles are licensed as hackney carriages and private hire vehicles subject to certain criteria and age limits. The current policy for hackney carriages dates from 1993. The draft policy seeks to consolidate the procedure for licensing such vehicles.

- 1.10 There appears to be no adopted policy on private hire vehicles, but a set of guidelines has been followed for many years. Vehicles have been considered for licensing as private hire vehicles, regardless of age as long as they are in exceptional condition. The draft policy aims to bring the criteria for this type of vehicle into line with hackney carriages.
- 1.11 The purpose of the policy is to ensure the highest possible standards of vehicles and drivers. The overriding principle is to ensure the safety of the travelling public.

## 2 Enforcement

- 2.1 Enforcement of non-compliance is undertaken in line with the legislation. There is no offence of breach of licence conditions under the Act and currently many of the 'lighter touch' enforcement actions arise out of non-compliance with conditions or proven misdemeanours following receipt of complaints regarding conduct and other related matters.
- 2.2 Most misdemeanours or complaints are often dealt with by way of verbal advice or written warnings.
- 2.3 Whilst these types of action may be suitable for isolated incidents, they do not address serial offenders or a number of incidents by a driver. As such, repeated warnings are of little value and may be seen by the trade as inconsistent or unfair owing to the wide variety and level of misdemeanours.
- 2.4 More serious incidents may be referred to the Licensing Sub Committee for consideration of any action.
- 2.5 Action which can be taken by the Licensing Sub Committee is also limited. They have the option to either do nothing, issue a formal warning, suspend where appropriate, or revoke a licence.
- 2.6 Whilst suspension of a licence is an option, its use as a sanction is controversial - if a driver was suspended for an incident which would suggest he or she was not a "fit and proper person," would he or she be fit and proper after a period of suspension? Suspension is appropriate in certain cases where a decision on any action to be taken cannot be made until further information is available; for example, whilst awaiting the outcome of a police prosecution relating to the same incident.
- 2.7 Individual warnings for minor misdemeanours may not warrant a reconsideration of the driver's 'fitness and propriety' to act as a driver but repeated warnings could result in more formal action. Currently, there is a possibility that the recording and wording of letters to drivers could be inconsistent and ambiguous depending on the nature of the misdemeanour and the evidence available.
- 2.8 As a result of comments from the trade, and after a perusal of other Councils' penalty points systems, it has been deemed appropriate to consider the

introduction of a penalty points system for this Council.

- 2.9 The primary objective of implementing a penalty points scheme is to improve the levels of compliance within the trade which would subsequently help improve the standards, safety and protection of the travelling public. It is not a 'punishment' but more of a fair, open and transparent scheme to monitor drivers' behaviour and conduct over a period of time to establish whether they remain 'fit and proper' to hold a licence.
- 2.10 The basis of a penalty points system is that a fixed tariff of common offences/misdemeanours is produced and each type of misdemeanour attracts a certain number of points up to a maximum. Drivers who are identified either by enforcement activity or as a result of a complaint are allocated points either on the spot or after investigation of a complaint.
- 2.11 Such misdemeanours may include for example, PH drivers parking on ranks, HC drivers leaving vehicles unattended on ranks, failing to notify damage to vehicles within statutory timescales, rudeness to customers, unnecessary prolongation of journeys, unsatisfactory condition of vehicle, failing to display badge, failing to carry badge in vehicle, late production of requested documents and many more.
- 2.12 A maximum of 12 points could be accrued in a 12 month period, at which point the driver would be referred to the Licensing Sub Committee for consideration of their fitness to hold a driver's licence and to determine whether their licence should be revoked.
- 2.13 The benefit of the scheme is that drivers would be in no doubt that if they repeatedly breach conditions or commit misdemeanours, their licences and indeed their livelihood would be put at risk.
- 2.14 As the majority of drivers comply with the conditions and provide a high quality of service, it is anticipated that this will have a positive impact on the trade as a whole as those drivers will see an increase in standards and the less compliant drivers will be encouraged to raise their standards.
- 2.15 Other benefits include more efficient use of officer time in line with the corporate demand to improve efficiencies and savings. Points could be issued on the spot using a standard notice which will save time spent preparing and sending letters (therefore a reduction in paper use). Also a reduction in time spent researching an individual driver's enforcement history as well as more efficient use of officers' and drivers' time during proactive enforcement sessions. There will also be efficiencies for the trade as they will have an up to date record on their licence with dates of offences and a personal points tariff.
- 2.16 The licence points will remain live for 12 months. Any points over that age will be removed and the balance reduced.

- 2.17 The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, by-laws and regulations.

### 3 Officer Powers

- 3.1 The Scheme of Delegation allows the Head of Legal Services to make decisions on applications in relation to hackney carriage and private hire vehicles, drivers and operators; suspension of drivers. The scheme does not specify that the Head of Legal Services may revoke such licences.
- 3.2 Where a notice of revocation is given, it does not have effect for 21 days to allow the licence holder to appeal against the revocation.
- 3.3 There are occasions where it may be necessary, on the grounds of public safety, to revoke a licence with immediate effect. This is provided for under Part II of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Road Safety Act 2006.
- 3.4 In these circumstances it is desirable for this power to be exercised by the Head of Legal Services, and it may also be delegated to authorised officers.

### 4 Consultation

- 4.1 It is recommended that the draft Statement of Licensing Policy with regard to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators be approved for publication as a consultation draft with the taxi trade and other relevant partners.
- 4.2 The consultation period should run from 31 January 2011 to 28 February 2011.

### OTHER CONSIDERATIONS:

#### 5 SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

- 5.1 This report covers issues which relate to safe and strong communities.

#### 6 RESOURCE IMPLICATIONS:

- 6.1 Subject to Members agreeing fees as set out in LR352 elsewhere on the agenda, fee income from taxi licences in 2011/12 is likely to be approximately £115,000, but the proposals in this report are not expected to have a material impact on this level of income.

#### 7 RISK MANAGEMENT ISSUES

- 7.1 None

### BACKGROUND DOCUMENTS:

Department for Transport Taxi and Private Hire Vehicle Licensing – Best Practice Guide.

APPENDICES:

1. Applications For Hackney Carriage And Private Hire Driver Licences – Policies And Procedures (October 2009)
2. Draft Statement of Licensing Policy with regard to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators



## APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES- POLICIES AND PROCEDURES

### 1. Ability to Communicate in English

Licence holders will need to be able to deal with passengers and must therefore be able to understand and converse in English to an adequate standard for this purpose. This will be assessed by means of the written knowledge test and interview with a licensing officer.

### 2. Driving Licence

Applicants must have held a full driving licence for at least 12 months, granted by a country which belongs to the European Union or is within the European Economic Area (Iceland, Liechtenstein, and Norway are not in the EU, but are members of the EEA). An applicant from any country outside of these will have to pass a U.K. driving test and hold a full driving licence for at least 12 months before re-applying.

All new applicants, and all current drivers when due for a Criminal Records Bureau (CRB) check, shall be required to sign a mandate to allow an authorised officer to request information contained on their driving licence. Refusal to sign this mandate will result in refusal to grant or renew a hackney carriage and/or private hire driver's licence.

### 3. Entitlement to Work in UK

The Council co-operates with the Home Office by scanning any documents required to accompany the application and forwarding these to the Home Office to ensure that applicants are entitled to work as a hackney carriage/private hire driver in the UK.

### 4. Assessing Applicants' Fitness and Propriety

All applicants must supply details of two referees from whom references may be obtained by the Council. Referees cannot be a member of the applicant's family or connected with the taxi trade. At least one reference must be from a previous employer.

Applicants who were not born in the U.K. and/or have not lived in the U.K. for 10 years must supply a certificate of good conduct from their embassy or home country.

### 5. Criminal Records Bureau Check

All applicants must complete and submit with their application a Criminal Records Bureau application form. This form will be submitted by the countersignature for the Council and submitted to the Bureau. Any convictions disclosed will be taken into account in deciding whether or not to grant the application in accordance with the Policy on Criminal Convictions.

Notwithstanding the Council's requirements for a Criminal Records Bureau check, applicants **MUST** disclose full details of their criminal convictions (including any "spent" convictions under the Rehabilitation of Offenders Act 1974), on the application form. An applicant's failure to disclose convictions which are subsequently disclosed under the Criminal Records Bureau check will be taken into account when considering their application. Failure to notify a conviction on an application form is also a criminal offence.



## 6. Driving Standards

In addition to possessing a driving licence issued by a relevant country, all applicants are required to undertake the Driving Standards Agency Taxi Assessment Test and produce a pass certificate. The Licensing Sub-Committee and the Head of Legal Services have discretion to require any licensed hackney carriage or private hire driver to undergo and pass a Taxi Assessment Test where he is satisfied that the driver's standards of driving or general conduct are such that such an assessment is desirable.

### Exemptions

Contract drivers licensed for Schools and Disabled Contracts, where the contracting authority carries out its own assessment of driving standards required.

## 7. Knowledge Test.

All applicants will be required to take and pass the Private Hire and Hackney Carriage Knowledge Tests. Tests will be conducted by the Council on a regular basis, usually once a month.

Private Hire Knowledge Tests are used to examine an applicant's knowledge of streets, public houses, hotels and other important locations within the Winchester Town area (i.e the six Town Wards together with Olivers Battery, Kings Worthy and Harestock).

Hackney Carriage Knowledge Tests are used to examine an applicant's knowledge of the whole of the Winchester City Council area which runs from Sutton Scotney to the north, Portsdown Hill to the south, Hursley to the west and West Meon to the east.

The pass mark for both tests is 80%. Applicants who achieve between 75% and 79% may undertake a further oral test with the Licensing and Registration Manager, comprising 10 questions. Applicants who are able to answer 8 questions or more will be treated as having passed the Knowledge Test. Applicants who fail the oral test may retake the oral test on up to two further occasions. Applicants who fail three successive oral tests will be required to wait 6 months from the date of the third test before re-sitting the written exam.

If an applicant fails the private hire and/or hackney carriage written knowledge test three times, the applicant shall wait a period of no less than 6 months from the date of the third test before taking another test.

### Exceptions

- (a) Drivers from outside and not operating within this area are not required to take a private hire knowledge test, but it will be necessary if they transfer to a Winchester operator.
- (b) Drivers licensed for Schools and Disabled passengers only, shall be exempt from the requirement to undergo a knowledge test.

## 8. Practical Knowledge Test

All new applicants who have passed the D.S.A Taxi Assessment Test and knowledge test, prior to being issued a licence, must arrange with a licensing officer to have a practical knowledge test. This test will be required for the applicant to show a licensing officer that they have a good knowledge of the area whilst driving their vehicle. Should the applicant show a poor knowledge of the area, they must spend a reasonable amount of time driving around Winchester and surrounding areas, and then make a further appointment to show their increased knowledge.

Discretion will remain with the licensing officer as to what a 'good knowledge of the area' shall be; this will be decided on each applicant.

Exceptions

- (a) Drivers from outside and not operating within this area are not required to take a private hire knowledge test, but it will be necessary if they transfer to a Winchester operator.
- (b) Drivers licensed for Schools and Disabled passengers only, shall be exempt from the requirement to undergo a knowledge test.

9. Medical Fitness

All applicants shall undergo a medical examination with regard to their fitness to carry fare paying passengers and shall provide a medical assessment form completed by the examining doctor. Such examination is to be carried out on initial application and every fifth year thereafter until the age of 63 years and 65 years, and every year thereafter.

The Licensing Sub-Committee and the Head of Legal Services have discretion to require any licensed hackney carriage or private hire driver to undergo a medical examination where he is satisfied that a condition has arisen which may affect the person's physical fitness to hold a licence.

The Drivers Medical Group of the Driver and Vehicle Licensing Agency recommends that the Group 2 medical standards applied by DVLA should also be applied by local authorities to taxi and private hire drivers. This recommendation has been adopted by the Council. Therefore, all hackney carriage and/or private hire drivers licensed by Winchester City Council shall meet the Group 2 medical standards.

In particular, a new applicant's standard of acuity of vision, using corrective lenses if necessary, will be considered unsatisfactory if it is below 6/9 in the better eye or 6/12 in the other eye. Also, the uncorrected acuity in each eye must be at least 3/60.

Complete loss of vision in one eye or corrected acuity of less than 3/60 in one eye shall bar the applicant from holding a hackney carriage or private hire driver licence.

Exceptions

Persons who have held a hackney carriage or private hire driver licence prior to 5 February 2008 must have a visual acuity of at least 6/12 in one eye and 6/36 in the other.

Persons who have held a hackney carriage or private hire driver licence prior to 1 January 1991, AND the authority was aware of the loss of sight in one eye before that date.

**Note:** If an applicant has not fulfilled all of the above criteria within 12 months of submitting their application to drive a hackney carriage and/or private hire vehicle, the application shall be refused. In such cases, the application fee or a proportion of it shall be retained to cover administration costs.

## Hackney Carriage and Private Hire Driver's Licences - Policy on Criminal Convictions.

### GENERAL

1. This Policy applies to the following:-
  - a. Applications for a Hackney Carriage or Private Hire Driver's Licence;
  - b. Revocation of an existing Hackney Carriage or Private Hire Driver's Licence;
  - c. Suspension of an existing Hackney Carriage or Private Hire Driver's Licence.
2. Each case will be decided on its own merits.
3. A person with a conviction for a serious crime will not normally be permanently barred from obtaining a licence but **should** be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before the application is entertained. However, persons with convictions of a sexual or child related nature or other very serious crime will not normally be issued with a licence.
4. The Council will exercise discretion where an offence is isolated and there are mitigating circumstances. However, the overriding consideration in all cases will be the protection of the public.
5. The Head of Legal Services, acting through the Licensing and Registration Manager, has delegated authority to issue Driver's Licences. In any case where he considers it appropriate to do so, he may refer the application to the Licensing Sub Committee for it to determine whether or not an application for a licence should be granted or, where a licence has already been granted, whether that licence should be suspended or revoked.
6. The Council accepts that where an applicant or licence holder has been found guilty of a criminal offence, the Court will have imposed what it considers to be an appropriate penalty for that offence. Accordingly, in considering convictions for such offences, the Sub-Committee dealing with a case should not 're-try' any offence for which the applicant or licence holder has pleaded guilty or been found guilty by a court of law. However, it should take into account the type and nature of the offence, and the penalty handed down for the offence, and should bear in mind the fact that the paramount consideration is the protection of the public.
7. For the same reason, offences will not be disregarded simply on the basis that the offender has served his or her sentence, and has therefore paid the appropriate penalty for his or her crime. In considering whether to grant an application for a licence, or to suspend or revoke an existing licence, the Sub-Committee will not decide a penalty to impose, but whether or not the public will be adequately protected.
8. The Council considers that in determining applications for licences, or deciding whether to revoke or suspend licences, the Sub-Committee proceedings will constitute "proceedings before a judicial authority" within the meaning of Section 4(6) of the Rehabilitation of Offenders Act 1974, and therefore, where the Sub-Committee hearing a case considers that justice cannot be done except by admitting evidence relating to spent convictions, such evidence may be admitted in accordance with Section 7 of that Act. Given the need to protect the public, it is likely that in the case of spent convictions involving serious offences. (e.g. death by dangerous driving, drugs, violence, sexual offences or offences of an habitual nature), evidence of such convictions will be admitted.

## **SPECIFIC EXAMPLES OF OFFENCES**

### Minor Motoring Offences

9. Isolated convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding, etc should not prevent a person from proceeding with an application. Any new applicant must have held a full drivers licence for a period of 12 months without any period of suspension during those 12 months. Licence Holders convicted of such offences during the period of licence may be warned as to future conduct, and informed that any disqualification may lead to revocation of any hackney carriage or private hire licence issued by the Council

### Major Traffic Offences

10. An isolated conviction for reckless or dangerous driving or driving without due care and attention etc will normally merit at least a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers. In addition, an existing licence holder will normally be required to take (or retake) a Driving Standards Agency Taxi Assessment Test. More serious convictions and those with more than one conviction for these type of offences within 2 years will merit revocation of any existing licence, or a refusal of the application in the case of new applicants, and no further application will then be considered until a period of at least three years from the time the conviction has elapsed.

### Drunkenness

#### (i) With a motor vehicle

11. A serious view will be taken of convictions of driving or being in charge of a vehicle under the influence of drink. An isolated incident in the past will not necessarily debar an applicant. At least three years should elapse after the restoration of the DVLA driving licence before an applicant is considered for a hackney carriage or private hire licence but strict warnings will be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire driver's licence. If the applicant is found to be an alcoholic a minimum period of five years should elapse after treatment is completed before a licence application is considered.
12. A driver found guilty of driving passengers for hire and reward under the influence of drink will have his/her hackney carriage or private hire drivers licence revoked immediately and be banned from holding a hackney carriage or private hire drivers licence with the Council for a minimum of five years.

#### (ii) Not in a motor vehicle.

13. An isolated conviction for drunkenness need not debar an applicant from being granted a licence, nor will it automatically be a ground for revoking or suspending an existing licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating a critical examination.

### Insurance Offences

14. A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily debar an applicant provided at least three years free of conviction have elapsed since the offence, but strict warning will be given as to future behaviour. More than one conviction will raise grave doubts as to the applicant's fitness to hold a hackney or private hire licence. At least three years should elapse after the restoration of the DVLA driving licence before an applicant is considered for hackney carriage or private hire licence.

15. A driver found guilty of driving passengers for hire and reward whilst without insurance will have his/her driving licence revoked immediately and be banned from holding a hackney carriage or private hire driving licence with the Council for five years.
16. Any applicant with three insurance offences or more will not be considered fit and proper to hold a hackney carriage or private hire licence with the Council.

### Drugs

17. An applicant with a conviction for a drug related offence should be required to show a period of at least three years free of convictions before any application is entertained, or a minimum of five years after detoxification treatment, if applicant was an addict.

### Violence

18. As hackney carriage and private hire drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault. A minimum of three years free of convictions should be shown before an application is entertained and even then a strict warning will be administered. An existing licence holder could expect his/her licence to be suspended or revoked if convicted of these offences.

### Indecency

19. As hackney carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any or the more serious sexual offences, will not normally be granted a licence until they can show a substantial period (at least 5 years) free of such offences. A strict warning of future conduct would always be given if a licence is granted.

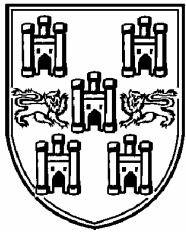
### Dishonesty

20. Licence holders are expected to be persons of trust. The widespread practice of deliveries for companies, taking children to school, and families on holiday, shows the trust which is placed in such drivers. It is easy for dishonest drivers to defraud foreign visitors when giving change, or other customers by taking them by other than the shortest route. Lost property can be kept by unscrupulous drivers. For these reasons a serious view will be taken of any convictions involving dishonesty. In general, a period of at least three years free of conviction will be required before entertaining an application for a hackney carriage or private hire drivers licence by the Council. Any existing driver convicted of dishonesty may expect any licence held to be suspended or revoked and a possible ban on holding a hackney carriage or private hire driver's licence for a minimum period of three years.

### Scanners

21. Anyone convicted for an offence involving the unlawful use of a radio scanner will be banned from holding any licence for a minimum of a five year period.

It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the application for a licence, punishable by up to seven years imprisonment upon conviction. However with regard to questions concerning previous convictions the applicants attention is drawn to the provisions of section 4(2) of the Rehabilitation of Offenders Act 1974 which, in summary provides that any such question shall be treated as not relating to spent convictions as defined in that Act or to any circumstances ancillary to spent convictions and answer thereto may be framed accordingly. However notice is also brought to Section 4 (2), and 6 and 7 of that same Act that the Local Authority may admit evidence of spent convictions which relate to determining whether an applicant is suitable to hold a licence.



**Winchester**  
City Council

Draft Statement of Licensing Policy  
with respect to  
Hackney and Private Hire Vehicles, Drivers  
and Private Hire Operators

February 2011

Winchester City Council  
City offices  
Colebrook Street  
Winchester  
SO23 9LJ

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## **1 Introduction**

- 1.1 This information is intended to provide guidance on the licensing requirements in the Winchester City Council district under the Town Police Clauses Act 1847, as amended, and Part II of the Local Government (Miscellaneous Provisions) Act 1976. Attention is also drawn to certain provisions of the Transport Acts 1980, 1981 and 1985, and Regulations made under the Road Traffic Acts.
- 1.2 It is not intended to be an exhaustive or definitive statement of the law and all drivers, operators and proprietors should familiarise themselves with the provisions of the relevant Acts, local byelaws and conditions.
- 1.3 Winchester City Council is the licensing authority for hackney carriages, private hire vehicles, their drivers and private hire operators.

## **2 Enquiries**

- 2.1 All correspondence, applications and enquiries should be addressed to the Licensing and Registration Manager, Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ. If you wish to see a licensing officer, an appointment will can be made by telephoning 01962 848 188.

## **3 Types of Licences**

- 3.1 A hackney carriage (taxi) may be used to ply for hire at an authorised taxi rank, pick up passengers when “flagged down” in the street, and when pre-booked.
- 3.2 A hackney carriage may be licensed to carry up to a maximum of 8 passengers.
- 3.3 The number of saloon vehicles is limited. All other hackney carriages must be capable of carrying a wheelchair and passenger. In these cases the number of passengers which may be carried is reduced.
- 3.4 A hackney carriage driver’s licence is a combined licence allowing them to drive both hackney and private hire vehicles.
- 3.5 Hackney carriages are also regulated by Byelaws with respect to Hackney carriages and conditions made by the Council.
- 3.6 A private hire vehicle may only be pre-booked via a private hire operator. Such vehicles may not ply for hire or take bookings other than via an operator.



- 3.7 A private hire vehicle may be licensed to carry up to a maximum of 8 passengers. There is no requirement for such vehicles to be able to carry wheelchair bound passengers, although many do.

#### 4 **Licence Fees**

- 4.1 The fees charged by the Council for licences cover the Council's costs of administering the licensing process. Licences are issued for a year, and the fees are periodically reviewed. The Current fees can be found on the Council's website at:

[www.winchester.gov.uk/licensing](http://www.winchester.gov.uk/licensing)

## **5 Hackney Carriage Vehicles**

- 5.1 When first presented for licensing as a hackney carriage, the vehicle must be within certain age limits:
- a A Saloon vehicle when licensed for the first time must be less than two years from the date of first registration. The Vehicle can remain in use for six years from the date of first registration after which it may be renewed on a year by year basis at the discretion of an Authorised Officer.
  - b A purpose built vehicle or conversion vehicle when licensed for the first time must be less than three years old from the date of first registration and the vehicle can remain in use for six years from the date of first registration after which it may be renewed on a year by year basis at the discretion of an Authorised Officer.
  - c Once the Vehicle is six years old and every year thereafter, the vehicle shall be presented to an Authorised Officer for an inspection for its appearance and suitability prior to testing at the nominated garage and renewal of the licence. Any vehicle that is not to the satisfaction of an Authorised Officer shall be repaired, prior to the expiry date, or replaced, subject to the age limits above.
- 5.2 Purpose built and conversion vehicles should also be capable of carrying a wheelchair securely with seats that slide on rails, or individual seats that can be removed, or flip down seats, to allow more room for luggage and wheelchairs or both. The first row of seats behind the driver must not be a bench seat.
- 5.3 All vehicles, other than saloons, must be capable of carrying a wheelchair and its passenger, and a minimum of three other passengers, and at least five passengers at any other time.
- 5.4 A converted vehicle should have a certificate of conversion from a reputable company and will not be accepted without such a document.
- 5.5 Wheelchairs must be capable of being secured in the vehicle with the passenger in a forward facing position.
- 5.6 Saloon vehicles must be capable of carrying four passengers.
- 5.7 Prior to licensing, the vehicle must undergo a mechanical inspection at a testing station specified by the Council.
- 5.8 The Vehicle may be called in for inspection at any time by an Authorised Officer to ensure compliance. Failure to attend and show any documentation as requested may lead to suspension or revocation

of licence under Section 68 of the Act.

5.9 All vehicles must have at least four doors.

5.10 The engine capacity shall be not less than 1600 cc.

## **6 Private Hire Vehicles**

- 6.1 When first presented for licensing as a private hire vehicle, the vehicle must be within certain age limits:
- a A Saloon vehicle when licensed for the first time must be less than two years from the date of first registration. The vehicle can remain in use for six years from the date of first registration after which it may be renewed on a year by year basis at the discretion of an Authorised Officer.
  - b A purpose built vehicle and conversion vehicle when licensed for the first time must be less than three years old from the date of first registration and the vehicle can remain in use for six years from the date of first registration after which it may be renewed on a year by year basis at the discretion of an Authorised Officer.
  - c A converted vehicle should have a certificate of conversion from a reputable company and will not be accepted without such a document.
- 6.2 All vehicles must have at least four doors.
- 6.3 The engine capacity shall be not less than 1600 cc.

## **7 Private Hire Operators**

- 7.1 A private hire operator dispatches a private hire vehicle to a customer. An operator may have just one or a fleet of vehicles under his control.
- 7.2 An applicant for a private hire operator must be a “fit and proper person.”
- 7.3 The exemption to the Rehabilitation of Offenders Act 1974 does not apply, therefore an applicant shall supply a Basic Disclosure from the Criminal Records Bureau.
- 7.4 A Basic Disclosure can be obtained either online at :-  
[www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) or an application form can be requested by telephone – 0870 609 6006 or by writing to :-  
Disclosure Scotland  
PO Box 250  
Glasgow  
G51 1YU
- 7.5 An applicant for a private hire operator licence who also holds or is applying for a private hire driver licence will be required to have an enhanced CRB check. The disclosure will be completed on application for the grant of a licence and every three years thereafter.

## 8 Hackney Carriage and Private Hire Driver Licences

### 8.1 Ability to Communicate in English

- a Licence holders will need to be able to deal with passengers and must therefore be able to understand and converse in English to an adequate standard for this purpose. This will be assessed by means of the written knowledge test and interview with a licensing officer.

### 8.2 Driving Licence

- a Applicants must be 21 years of age or more and have held a full driving licence for at least 12 months, granted by a country which belongs to the European Union or is within the European Economic Area (Iceland, Liechtenstein, and Norway are not in the EU, but are members of the EEA). An applicant from any country outside of these will have to pass a U.K. driving test and hold a full driving licence for at least 12 months before re-applying.
- b All new applicants, and all current drivers when due for a Criminal Records Bureau (CRB) check, shall be required to sign a mandate to allow an authorised officer to request information contained on their driving licence. Refusal to sign this mandate will result in refusal to grant or renew a hackney carriage and/or private hire driver's licence.

### 8.3 Entitlement to Work in UK

- a The Council co-operates with the Home Office and will scan any documents required to accompany the application and forward them to the Home Office to ensure that applicants are entitled to work as a hackney carriage/private hire driver in the UK.

### 8.4 Assessing Applicants' Fitness and Propriety

- a All new applicants must supply details of two referees from whom references may be obtained by the Council. Referees cannot be a member of the applicant's family or connected with the taxi trade. At least one reference should be from a previous employer.
- b Applicants who were not born in the U.K. and/or have not lived in the U.K. for 10 years must supply a certificate of good conduct from their embassy or home country.

### 8.5 Criminal Records Bureau Check

- a All applicants must complete and submit with their application a Criminal Records Bureau application form. This form will be submitted by the countersignature for the Council and submitted to the Bureau.

Section 4 - Hackney Carriage and Private Hire Driver Licences

Any convictions disclosed will be taken into account in deciding whether or not to grant the application in accordance with the Policy on Criminal Convictions.

- b Notwithstanding the Council's requirements for a Criminal Records Bureau check, applicants **MUST** disclose full details of their criminal convictions (including any "spent" convictions under the Rehabilitation of Offenders Act 1974), on the application form. An applicant's failure to disclose convictions which are subsequently disclosed under the Criminal Records Bureau check will be taken into account when considering their application. Failure to notify a conviction on an application form is also a criminal offence.

#### 8.6 Driving Standards

- a In addition to possessing a driving licence issued by a relevant country, all applicants are required to undertake the Driving Standards Agency Taxi Assessment Test and produce a pass certificate. The Licensing Sub-Committee and the Head of Legal Services have discretion to require any licensed hackney carriage or private hire driver to undergo and pass a Taxi Assessment Test where he is satisfied that the driver's standards of driving or general conduct are such that such an assessment is desirable.
- b Exemption from this requirement will apply to contract drivers licensed for Schools and Disabled Contracts, where the contracting authority carries out its own assessment of driving standards required.

#### 8.7 Knowledge Test.

- a All applicants will be required to take and pass the Private Hire and Hackney Carriage Knowledge Tests. Tests will be conducted by the Council on a regular basis, usually once a month.
- b Private Hire Knowledge Tests are used to examine an applicant's knowledge of streets, public houses, hotels and other important locations within the Winchester Town area (i.e the six Town Wards together with Olivers Battery, Kings Worthy and Harestock).
- c Hackney Carriage Knowledge Tests are used to examine an applicant's knowledge of the whole of the Winchester City Council area which runs from Sutton Scotney to the north, Portsdown Hill to the south, Hursley to the west and West Meon to the east.
- d The tests may also contain a basic numeracy element to ensure that the driver can give the correct change to a fare.

#### Section 4 - Hackney Carriage and Private Hire Driver Licences

- e The pass mark for both tests is 80%. Applicants who achieve between 75% and 79% may undertake a further verbal test with the Licensing and Registration Manager, comprising 10 questions. Applicants who are able to answer 8 questions or more will be treated as having passed the Knowledge Test.
- f If an applicant fails the private hire and/or hackney carriage written knowledge test three times, the applicant shall wait a period of no less than 6 months from the date of the third test before taking another test.
- g Drivers from outside and not operating within this area are not required to take a private hire knowledge test, but it will be necessary if they transfer to a Winchester operator.
- h Drivers licensed for Schools and Disabled passengers only, shall be exempt from the requirement to undergo a knowledge test.

#### 8.8 Practical Knowledge Test

- a All new applicants who have passed the D.S.A Taxi Assessment Test and knowledge test, prior to being issued a licence, must arrange with a licensing officer to have a practical knowledge test. This test will be required for the applicant to show a licensing officer that they have a good knowledge of the area whilst driving their vehicle. Should the applicant show a poor knowledge of the area, they should spend a reasonable amount of time driving around Winchester and surrounding areas, and then make a further appointment to show their increased knowledge.
- b Discretion will remain with the licensing officer as to what a 'good knowledge of the area' shall be.
- c Drivers from outside and not operating within this area are not required to take a private hire knowledge test, but it will be necessary if they transfer to a Winchester operator.
- d Drivers licensed for Schools and Disabled passengers only, shall be exempt from the requirement to undergo a knowledge test.

#### 8.9 Medical Fitness

- a All applicants shall undergo a medical examination with regard to their fitness to carry fare paying passengers and shall provide a medical assessment form completed by the examining doctor.
- b Such examination is to be carried out on initial application and every fifth year thereafter until the age of 63 years and 65 years, and every

year thereafter.

- c The examination must take place at the surgery where the applicant is registered in order that the examining doctor will have access to their patient record.
- d The Licensing Sub-Committee and the Head of Legal Services have discretion to require any licensed hackney carriage or private hire driver to undergo a medical examination where he is satisfied that a condition has arisen which may affect the person's physical fitness to hold a licence.
- e The Drivers Medical Group of the Driver and Vehicle Licensing Agency recommends that the Group 2 medical standards applied by DVLA should also be applied by local authorities to taxi and private hire drivers. This recommendation has been adopted by the Council. Therefore, all hackney carriage and/or private hire drivers licensed by Winchester City Council shall meet the Group 2 medical standards.
- f In particular, a new applicant's standard of acuity of vision, using corrective lenses if necessary, will be considered unsatisfactory if it is below 6/9 in the better eye or 6/12 in the other eye. Also, the uncorrected acuity in each eye must be at least 3/60.
- g Complete loss of vision in one eye or corrected acuity of less than 3/60 in one eye shall bar the applicant from holding a hackney carriage or private hire driver licence.
- h Persons who have held a hackney carriage or private hire driver licence prior to 5 February 2008 must have a visual acuity of at least 6/12 in one eye and 6/36 in the other.
- i Persons who have held a hackney carriage or private hire driver licence prior to 1 January 1991, AND the authority was aware of the loss of sight in one eye before that date are exempt from "e" above.

**Note:** If an applicant has not fulfilled all of the above criteria within 12 months of submitting their application to drive a hackney carriage and/or private hire vehicle, the application shall be refused. In such cases, the application fee or a proportion of it shall be retained to cover administration costs.



## 9 Hackney Carriage and Private Hire Driver's Licences Criminal Convictions Policy

- 9.1 This Policy applies to the following:-
- a Applications for a Hackney Carriage or Private Hire Driver's Licence;
  - b Revocation of an existing Hackney Carriage or Private Hire Driver's Licence;
  - c Suspension of an existing Hackney Carriage or Private Hire Driver's Licence.
- 9.2 Each case will be decided on its own merits.
- 9.3 A person with a conviction for certain crimes will not normally be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 10 years, depending on the seriousness of offences and according to the circumstances, before the application is entertained. However, persons with convictions of a sexual or child related nature or other very serious crime will not normally be issued with a licence. (See table at Appendix A)
- 9.4 A person with a caution for certain crimes will not normally be barred from obtaining a licence but each case will be considered on its own merits according to this policy. As cautions are administered for the less serious offences **and** the person has admitted the offence and agreed to receive a caution, a licence may be issued but strict warnings will be given as to future behaviour.
- 9.5 The Council will exercise discretion where an offence is isolated and there are mitigating circumstances. However, the overriding consideration in all cases will be the protection of the public.
- 9.6 The Head of Legal Services, acting through the Licensing and Registration Manager, has delegated authority to issue Driver's Licences. In any case where he considers it appropriate to do so, he may refer the application to the Licensing Sub Committee for it to determine whether or not an application for a licence should be granted or, where a licence has already been granted, whether that licence should be suspended or revoked.
- 9.7 The Council accepts that where an applicant or licence holder has been found guilty of a criminal offence, the Court will have imposed what it considers to be an appropriate penalty for that offence. Accordingly, in considering convictions for such offences, the Sub-Committee dealing with a case should not 're-try' any offence for which the applicant or licence holder has pleaded guilty or been found guilty by a court of law. However, it should take into account the type and nature of the offence, and the penalty handed down for the

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offence, and should bear in mind the fact that the paramount consideration is the protection of the public.

- 9.8 For the same reason, offences will not be disregarded simply on the basis that the offender has served his or her sentence, and has therefore paid the appropriate penalty for his or her crime. In considering whether to grant an application for a licence, or to suspend or revoke an existing licence, the Sub-Committee will not decide a penalty to impose, but whether or not the public will be adequately protected.
- 9.9 The Council considers that in determining applications for licences, or deciding whether to revoke or suspend licences, the Sub-Committee proceedings will constitute “proceedings before a judicial authority” within the meaning of Section 4(6) of the Rehabilitation of Offenders Act 1974, and therefore, where the Sub-Committee hearing a case considers that justice cannot be done except by admitting evidence relating to spent convictions, such evidence may be admitted in accordance with Section 7 of that Act. Given the need to protect the public, it is likely that in the case of spent convictions involving serious offences. (e.g. death by dangerous driving, drugs, violence, sexual offences or offences of an habitual nature), evidence of such convictions will be admitted.

## 10 **Specific Examples Of Offences**

### 10.1 Minor Motoring Offences

- a Isolated convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding, etc should not prevent a person from proceeding with an application. Any new applicant must have held a full drivers licence for a period of 12 months without any period of suspension during those 12 months. Licence Holders convicted of such offences during the period of licence may be warned as to future conduct, and informed that any disqualification may lead to revocation of any hackney carriage or private hire licence issued by the Council

### 10.2 Major Traffic Offences

- a An isolated conviction for dangerous driving or driving without due care and attention etc will normally merit at least a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers. In addition, an existing licence holder will normally be required to take (or retake) a Driving Standards Agency Taxi Assessment Test. More serious convictions and those with more than one conviction for these type of offences within 2 years will merit revocation of any existing licence, or a refusal of the application in the case of new applicants, and no further application will then be

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considered until a period of at least three years from the time the conviction, or restoration of the DVLA driver licence has elapsed (whichever is the greater).

### 10.3 Driving Under Influence of Drink or Drugs

- a A serious view will be taken of convictions of driving or being in charge of a vehicle under the influence of drink or drugs. An isolated incident in the past will not necessarily debar an applicant. At least five years should elapse after the restoration of the DVLA driving licence before an applicant is considered for a hackney carriage or private hire licence but strict warnings will be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire driver's licence.
- b A driver found guilty of driving with excess alcohol, or under the influence of drugs, will have his/her hackney carriage or private hire drivers licence revoked immediately and be banned from holding a hackney carriage or private hire drivers licence with the Council for a minimum of five years from conviction or restoration of the DVLA driver licence, whichever is the greater. This applies regardless of whether or not carrying passengers for hire or reward.

### 10.4 Drunkenness

- a An isolated conviction for drunkenness need not debar an applicant from being granted a licence, nor will it automatically be a ground for revoking or suspending an existing licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating a critical examination.

### 10.5 Insurance Offences

- a A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily debar an applicant provided at least three years free of conviction have elapsed since the offence, or the restoration of the DVLA driver licence, but strict warning will be given as to future behaviour.
- b More than one conviction will raise grave doubts as to the applicant's fitness to hold a hackney or private hire licence. At least five years should elapse after the restoration of the DVLA driving licence before an applicant is considered for hackney carriage or private hire licence.

- c Any applicant with three insurance offences or more will not be considered fit and proper to hold a hackney carriage or private hire licence with the Council.
- d A driver found guilty of driving passengers for hire and reward whilst without insurance will have his/her driving licence revoked immediately and be banned from holding a hackney carriage or private hire driver licence with the Council for five years from conviction or restoration of the DVLA driver licence.

#### 10.6 Drugs

- a An applicant with a conviction for a drug related offence should be required to show a period of four to six years free of convictions before any application is entertained

#### 10.7 Violence

- a As hackney carriage and private hire drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for assault. A minimum of three to ten years free of convictions should be shown before an application is entertained and even then a strict warning will be administered. An existing licence holder could expect his/her licence to be suspended or revoked if convicted of these offences.

#### 11 Murder and Manslaughter

- 11.1 Any applicant with a conviction for murder or manslaughter will not be considered fit and proper to hold a hackney carriage or private hire driver licence with the Council.

#### 11.2 Indecency

- a As hackney carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for indecency offences will not be considered for the grant of a licence until a period of five to ten years has elapsed since conviction. A strict warning of future conduct would always be given if a licence is granted.
- b A person convicted of rape will not be considered fit and proper to hold a hackney carriage or private hire driver licence with the Council

#### 11.3 Dishonesty

- a Licence holders are expected to be persons of trust. The widespread practice of deliveries for companies, taking children to school, and

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families on holiday, shows the trust which is placed in such drivers. It is easy for dishonest drivers to defraud foreign visitors when giving change, or other customers by taking them by other than the shortest route. Lost property can be kept by unscrupulous drivers. For these reasons a serious view will be taken of any convictions involving dishonesty, In general, a period of at least three years free of conviction, up to six years for some offences will be required before entertaining an application for a hackney carriage or private hire drivers licence by the Council. Any existing driver convicted of dishonesty may expect any licence held to be suspended or revoked and a possible ban on holding a hackney carriage or private hire driver's licence for a minimum period of three years.

#### 11.4 Scanners

- a Anyone convicted for an offence involving the unlawful use of a radio scanner will be banned from holding any licence for a minimum of a five year period.
- 12 A table of offences and the number of years an applicant is required to be free of conviction is shown at Appendix A. This list is not exhaustive and individual cases may be judged on their own merits.
- 13 It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the application for a licence, punishable by up to seven years imprisonment upon conviction. However with regard to questions concerning previous convictions the applicants attention is drawn to the provisions of section 4(2) of the Rehabilitation of Offenders Act 1974 which, in summary provides that any such question shall be treated as not relating to spent convictions as defined in that Act or to any circumstances ancillary to spent convictions and answer thereto may be framed accordingly. However notice is also brought to Section 4 (2), and 6 and 7 of that same Act that the Local Authority may admit evidence of spent convictions which relate to determining whether an applicant is suitable to hold a licence.

## **14 Enforcement and Compliance**

- 14.1 Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, the Council's Byelaws and Conditions.
- 14.2 If Operators, Drivers or Proprietors of Vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved may be asked to attend the offices for an interview and then once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the person's file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Licensing Sub-Committee and/or prosecution.
- 14.3 The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
- 14.4 The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.
- 14.5 Penalty points remain for twelve months. The period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.
- 14.6 In the event that a driver/owner/operator commits an offence or breaches a condition as listed in the penalty points table attached he/she shall be awarded the number of points applicable to the circumstances as shown in the table for the breach/offence shown in the table.

## **15 Issue of Penalty Points**

- 15.1 Complaints from the public concerning significant breaches of conduct will be subject to investigation by Authorised Officers and may be reported to the Licensing Sub-Committee for the issue of discretionary points. These are the offences shown in the table where the point which may be awarded are 1-12.
- 15.2 Where a licence holder accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Council's Licensing Sub-Committee to decide whether the licence holder is a fit and proper person. The Licensing-Sub Committee may then suspend or revoke a licence, or issue a warning to the licence holder, depending on the circumstances.

Periods of suspension of a licence by a Sub-Committee will be dependant on the nature of the breaches of the legislation/conditions and the compliance history of the individual.

- 15.3 Penalty Points will remain current for 12 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle or a driver will be confirmed in writing within 10 working days from the discovery of the contravention.
- 15.4 The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
- 15.5 Any disputes regarding the issuing of penalty points will be referred to the Licensing Sub-Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld.
- 15.6 If points are issued to a proprietor/driver for a matter which is also a criminal offence, eg bald tyres, no badge, those person(s) will not then be the subject of a prosecution by the Council.

<b>PENALTY POINTS TABLE</b>				
	<b>Offence/Breach of Condition</b>	<b>Maximum Points Applicable</b>	<b>Driver</b>	<b>Vehicle Owner or Operator</b>
1	Providing false or misleading information on licence application form/failing to provide relevant information or the relevant fee (including dishonoured cheques).	6	✓	✓
2	Failure to notify, in writing, the Council of change of address with 7 calendar days.	3	✓	✓
3	Refusal to accept hiring without reasonable cause eg drunk or rude customer	1-12	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	✓	
5	Plying for hire by Private Hire drivers.	9	✓	✓
6	Failure to display current vehicle excise licence.	9	✓	✓
7	Using unlicensed vehicle or vehicle without insurance.	12		✓

8	Failure to produce relevant documents within timescale when requested by an authorised officer.	4	✓	✓
<b>PENALTY POINTS TABLE</b>				
	<b>Offence/Breach of Condition</b>	<b>Maximum Points Applicable</b>	<b>Driver</b>	<b>Vehicle Owner or Operator</b>
9	Unsatisfactory condition of vehicle, interior or exterior.	4	✓	✓
10	Failure to produce MOT certificate when requested.	6	✓	✓
11	Failure to produce Hackney Carriage or Private Hire vehicle for testing when required	6	✓	✓
12	Failure to provide proof of insurance cover when requested.	4		✓
13	Using a vehicle subject to a suspension order issued by an authorised officer or a police officer.	12	✓	✓
14	Using a vehicle for which the licence has been suspended or revoked.	12	✓	✓
15	Failure to report, in writing, within 72 hours accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions.	4	✓	✓
16	Carrying more passengers than stated on the vehicle licence.	6	✓	
17	Failure to display external/internal licence plate or signs as required.	4		✓
18	Carrying an offensive weapon in the vehicle.	12	✓	
19	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence.	4		✓
20	Failure to carry fire extinguisher.	4		✓
21	Failure to carry first aid kit.	3		✓
22	Displaying unsuitable or inappropriate sited signs or advertisements in the vehicle.	3		✓
23	Failure to use authorised roof light	4	✓	



24	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.	4		✓
<b>PENALTY POINTS TABLE</b>				
	<b>Offence/Breach of Condition</b>	<b>Maximum Points Applicable</b>	<b>Driver</b>	<b>Vehicle Owner or Operator</b>
25	Failure to produce on request records of drivers work activity.	4		✓
26	Using a non approved or non-calibrated taximeter.	6	✓	✓
27	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle.	12	✓	✓
28	Evidence of smoking in vehicle.	3	✓	✓
29	Evidence of food or drink in vehicle available for hire.	3	✓	✓
30	Displaying any feature on private hire vehicle that may suggest that it is a taxi.	6		✓
31	Using a vehicle the appearance of which suggests that it is a taxi.	6		✓
32	Failure to carry an assistance dog without requisite exemption.	12	✓	✓
33	Driver not holding a current DVLA Licence.	12	✓	✓
34	Failure to wear driver's badge.	4	✓	
35	Failure to notify, in writing, a change in medical circumstances.	6	✓	✓
36	Unsatisfactory appearance of driver.	3	✓	
37	Failure to observe rank discipline. (Hackney Carriage)	3	✓	
38	Failure to maintain proper records of private hire vehicle.	3		✓
39	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced.	6		✓
40	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓

## Section 6 - Enforcement and Compliance

41	Failure to issue receipt on request.	1-12	✓	✓
42	Failure to return vehicle licence plate within 7 days after due notice following revocation or suspension of such licence.	4		✓
<b>PENALTY POINTS TABLE</b>				
	<b>Offence/Breach of Condition</b>	<b>Maximum Points Applicable</b>	<b>Driver</b>	<b>Vehicle Owner or Operator</b>
43	Unsatisfactory behaviour or conduct of driver.	1-12	✓	✓
44	Failure to notify the Council, in writing, of any motoring or criminal convictions within 21 day of conviction or cautions during period of current licence.	6	✓	✓
45	Failure to behave in a civil and orderly manner.	1-12	✓	✓
46	Failure to give assistance with loading/unloading.	1-12	✓	✓
47	Failure to display fare card.	3	✓	✓
48	Failure to carry legal spare wheel and tools.	4	✓	✓
49	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	✓
50	A licensed vehicle with a bald tyre.	4 per tyre	✓	✓
51	Failure to submit licence renewal application including documents and attendance at a vehicle inspection.	6	✓	✓
52	Failure to comply with any other conditions	3	✓	✓
53	Waiting or stopping on a double yellow line area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle.	3	✓	
54	Use of hand held mobile device (eg mobile phone) whilst driving licensed vehicle	3	✓	
55	Smoking in licensed vehicle	3	✓	

56	Points awarded by Licensing Sub-Committee where matters referred to them for decision.	4-12	✓	✓
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## Hackney Carriage and Private Hire Driver's Licences Criminal Convictions Table of Offences

The table below lists certain offences which may be taken into consideration when considering applications for hackney and private hire driver licences.

It shows the number of years that an applicant should be free of conviction before an application can be considered. This list is not exhaustive and each case will be judged on its own merits.

<b>Offences where a licence will automatically be refused or a current licence will be suspended or revoked</b>	
Murder	Refused
Manslaughter	Refused
Manslaughter or Culpable Homicide while Driving	Refused
Robbery	Refused
Arson with intent	Refused
Rape	Refused

<b>Offences Involving Dishonesty</b>	<b>Years since conviction</b>
Theft	3
Theft – Shoplifting	3
Theft – Employee	3
Theft – From Vehicle	3
Burglary & Theft – Dwelling	4
Burglary & Theft – Non Dwelling	4
Burglary & Theft – Aggravated	6
Fraudulent Use of VEL	3
Handling	3
Receiving	3
Forgery	3
Conspiracy to Defraud	3
Obtain Money by Deception	3
Obtain Money by Forged Instrument	3
Deception	3
False Accounting	3
False Statement to Obtain Benefit	3
Going Equipped	3
Perverting Course of Justice	4

<b>Offences Involving Drugs</b>	<b>Years since conviction</b>
Possessing Controlled Drug	4
Possessing Controlled Drug with Intent to Supply	6
Producing Controlled Drug	4
Import Drugs	5

<b>Offences Involving Violence</b>	<b>Years since conviction</b>
Common Assault	3
Assault - Section 47	3
Grievous Bodily Harm - Section 20	6
Grievous Bodily Harm - Section 18	8
Assault Police	3
Affray	3
Riot	4
Common Assault – Aggravated	3
Obstruction	3
Possess Offensive Weapon	5
Possess Firearm without licence	3
Possess Firearm with intent	8
Criminal Damage	3
Violent Disorder	3
Resist Arrest	3
Arson	5

<b>Offences Involving Indecency</b>	<b>Years since conviction</b>
Indecent Exposure	7
Indecent Exposure to the Annoyance of Residents	7
Indecent Exposure with intent to insult a Female	8
Unlawful Sexual Intercourse	6
Importuning	6
Indecent Assault on a Female	8
Indecent Assault on a Child Under 16 yrs	10
Living Off Immoral Earnings	7
Prostitution	7
Possessing or Distributing Obscene Material	8
Indecent or Nuisance Telephone Calls	5

<b>Offences where a licence may be issued following a warning</b>
Using Threatening, Abusive Words or Behaviour
Breach of the Peace
Drunk and Disorderly

## Offences covered under minor motoring convictions

AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours.
AC30	Undefined accident offence
CU10	Using vehicle with defective brakes.
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.
CU30	Using a vehicle with defective tyres.
CU40	Using a vehicle with defective steering.
CU50	Causing or likely to cause danger by reason of load or passengers.
CU60	Undefined failure to comply with Construction and Use Regulations.
LC10	Driving without a licence.
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.
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.

### **Offences covered under major motoring convictions**

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.
IN10	Using a vehicle uninsured against third party risks.
BA10	Driving while disqualified by order of Court.
BA20	Driving while disqualified as under age.

### **Offences where a licence will automatically be refused or a current licence suspended or revoked**

DD60	Manslaughter or culpable homicide while driving a vehicle.(see under violence)
DD70	Causing death by reckless driving.
UT10	Taking or driving away a vehicle without consent or an attempt thereat
UT20	Stealing or attempting to steal a vehicle
UT30	Going equipped for stealing or taking a vehicle
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

### **Offences for driving a motor vehicle under the influence of drink or drugs**

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	In charge of a vehicle then refusing to supply a specimen for analysis.
DR70	Failing to provide a specimen for breath test.

These lists are not exhaustive and individual cases may be judged on their own merits. Where a conviction is so old and it is considered that there is little likelihood of re-offending, the above time limits may be reduced.

## Glossary

**“Authorised Officer”** means any officer of the Council authorised in writing by the Council for the purpose of these conditions.

**“Hackney Carriage”** has the same meaning as in the Town Police Clauses Act 1847.

**“Private Hire Vehicle”** means a motor vehicle constructed or adapted to seat fewer than eight passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a Driver for the purpose of carrying passengers.

**“Taximeter”** means any device for calculating the fare to be charged in respect of any journey in a Hackney Carriage or Private Hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

**“the Act”** means Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

**“the Council”** means Winchester City Council.

**“the Driver”** means a person licensed to drive a Hackney Carriage and Private Hire vehicle under Section 51 of the Act.

**“the Licence Holder”** means the holder of the Hackney Carriage and/or Private Hire Drivers licence.

**“the Operator”** means the person(s) or company directors whom the Council has granted the Private Hire Operator’s Licence under Section 55 of the Act.