



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 the holder 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

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 All hackney carriage vehicles presented for licensing for the first time must be wheelchair accessible vehicles (WAV), except in cases where the vehicle is to replace an existing saloon vehicle which is already licensed.
 - c 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.
 - d Once the Vehicle is six years old and every year thereafter, the vehicle must 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 must 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 or rearward 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. Saloon vehicles must have four doors in addition to any tailgate.
- 5.10 The engine capacity must 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.
 - d In exceptional circumstances these age limits may be waived. For example, a classic car or executive vehicle in excellent condition.
- 6.2 All vehicles must have at least four doors. Saloon vehicles must have four doors in addition to any tailgate.
- 6.3 The engine capacity must be not less than 1600 cc.
- 6.4 In exceptional circumstances, an exemption certificate may be granted to dispense with the requirement to display the licence plate. This will only be granted where proof of “executive hiring” is to take place.

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” to hold such a licence.
- 7.3 The exemption to the Rehabilitation of Offenders Act 1974 does not apply, therefore an applicant must supply a Basic Disclosure from the Criminal Records Bureau. The disclosure is completed on application for the grant of a licence and every three years thereafter.
- 7.4 A Basic Disclosure can be obtained either online at :-
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, is required to have an enhanced CRB check when applying for the driver licence. Therefore it will not be necessary for the applicant to have a further check for the operator application.

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 is 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 is required 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, are 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 must not 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 is submitted to the CRB by the countersignature for the Council. Any convictions

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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 any criminal convictions (including any "spent" convictions under the Rehabilitation of Offenders Act 1974), or cautions, on the application form. An applicant's failure to disclose convictions or cautions 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 are authorised to require any licensed hackney carriage or private hire driver to undergo and pass a Taxi Assessment Test where satisfied that the driver's standard of driving or general conduct are such that an assessment is desirable.
- b Contract drivers licensed for Schools and Disabled Contracts, where the contracting authority carries out its own assessment of driving standards, are exempt from this requirement.

8.7 Knowledge Test.

- a All applicants are required to take and pass the Private Hire and Hackney Carriage Knowledge Tests. Tests are 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 Oliver's 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 for a fare.
- 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

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and Registration Manager, comprising 10 questions. Applicants who answer 8 questions or more correctly 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 must 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 the Winchester City Council area are not required to take a private hire knowledge test, but will be required to do so if they transfer to a Winchester operator.
- h Drivers licensed for Schools and Disabled passengers only, are 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 is required to allow the applicant to prove that they have a good knowledge of the area whilst driving their vehicle. Should the applicant demonstrate a poor knowledge of the area, they will not be issued with a licence and are advised to spend a reasonable amount of time driving around Winchester and surrounding areas, before making a further appointment to demonstrate their increased knowledge.
- b The licensing officer will determine whether an applicant has demonstrated a 'good knowledge of the area'.

8.9 Medical Fitness

- a All applicants must undergo a medical examination with regard to their fitness to carry fare paying passengers and must 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.

The examination must take place at the surgery where the applicant is registered in order that the examining doctor has access to their medical records, or, at another surgery provided that the examining doctor has access to the applicant's medical records.

- c 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 satisfied that a

condition has arisen which might affect the person's fitness to hold a licence.

- d The Drivers Medical Group of the Driver and Vehicle Licensing Agency recommends that the DVLA Group 2 medical standards should 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 must meet the Group 2 medical standards.
- e In particular, a new applicant's standard of acuity of vision, using corrective lenses if necessary, is 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.
- f Complete loss of vision in one eye or corrected acuity of less than 3/60 in one eye will bar the applicant from holding a hackney carriage or private hire driver licence.
- g 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.
- h Persons who have held a hackney carriage or private hire driver licence prior to 1 January 1991, AND where the licensing officer was aware of the loss of sight in one eye before that date are exempt from "g" 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 will be refused. In such cases, the application fee or a proportion of it will 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 is expected to remain free of conviction for between 3 and 10 years, depending on the seriousness of the offence and the relevant circumstances, before an application is considered. 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 who has received a caution for certain crimes will not normally be barred from obtaining a licence but each case will be considered on its merits in accordance with this policy. As cautions are administered for the less serious offences **and** the person will have 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 may exercise discretion where an offence is isolated and there are mitigating circumstances. However, the overriding consideration in all cases is the protection of the public.
- 9.6 The Head of Legal Services, acting through the Licensing and Registration Manager, has delegated authority to issue Drivers' Licences. In any case where he or she considers it appropriate, he or she may refer the application to the Licensing Sub Committee for a determination as to 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

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and nature of the offence, and the penalty imposed, 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 revoke an existing licence, the Sub-Committee will be determining whether or not the public would be adequately protected should a licence be granted or not revoked, rather than whether to impose a penalty.
- 9.9 The Council considers that in determining applications for Hackney Carriage and Private Hire licences, or deciding whether to revoke or suspend such licences, the Sub-Committee proceedings constitute “proceedings before a quasi-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** (See Appendix B)

10.1 Minor Motoring Offences

- a Isolated convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding, etc would not normally prevent a person from proceeding with an application. Any new applicant must have held a full driver’s licence for a period of 12 months without any period of suspension during those 12 months. Licence Holders convicted of such offences 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 or 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 for at

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least three years from the time of the conviction, or restoration of the DVLA driver licence, (whichever is the greater).

10.3 Driving Under Influence of Drink or Drugs

- a A serious view is 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 application is considered for a hackney carriage or private hire licence and 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 will 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 longer. This applies regardless of whether or not the driver was carrying passengers for hire or reward when the offence was committed.

10.4 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, whichever is the longer, but strict warnings will be given as to future behaviour.
- b More than one insurance related 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 whichever is the longer.

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10.5 Drugs

- a An applicant with a conviction for a drug related offence is required to show a period of between four and six years free of convictions depending on the circumstances before any application is entertained.

10.6 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. Depending on the circumstances a minimum of between three and eight years free of conviction should be shown before an application is considered and even then a strict warning will be administered. An existing licence holder can expect his/her licence to be 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, licence holders with a conviction for indecency will have their licence revoked and applicants will not be considered for the grant of a licence until a period of between five and eight years has elapsed since conviction depending on the circumstances. A strict warning of future conduct will be given if a licence is subsequently granted.
- b A person convicted of rape, or indecent assault on a child under 16 years 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 trustworthy. The widespread practice of unaccompanied deliveries for companies, taking unaccompanied children to school, and being aware of empty homes when driving passenger to the airport when going away on holiday, demonstrates the degree of trust placed on drivers. It would be easy for dishonest drivers to defraud passengers by taking them by other than the shortest route or foreign visitors when giving change. Lost property could be kept by unscrupulous drivers. For these reasons a serious view is taken of any convictions involving dishonesty. In general, a

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period of between three and up to six years for some offences free of conviction will be required before an application for a hackney carriage or private hire drivers licence is considered by the Council. Any existing driver convicted of dishonesty may expect any licence held to be revoked.

11.4 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, two or more convictions for drunkenness could indicate a medical problem necessitating a clinical examination. (Convictions for drunkenness should not be confused with the more serious offence of driving while under the influence of alcohol)

11.5 Scanners

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

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, punishable by up to seven years imprisonment upon conviction, for any person knowingly or recklessly to make a false statement or to omit any material details when giving information required in an application for a licence. . With regard to questions concerning previous convictions, the applicant's attention is drawn to the provisions of section 4(2) of the Rehabilitation of Offenders Act 1974. This, in summary, provides that any such question shall be treated as not relating to spent convictions as defined in that Act . However, applicants are also notified that Sections 4 (2), and 6 and 7 of this Act provide that the Local Authority may admit evidence of spent convictions which are relevant in determining whether an applicant is a fit and proper person to hold a licence.

14 Enforcement and Compliance

- 14.1 Holders of Hackney Carriage and Private Hire Operators, Drivers and Vehicles licences 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 of those rules, regulations or conditions of licence, persons involved may be asked to attend the Council offices for an interview and, when investigations are completed, may receive a letter detailing the outcome. A copy is placed on the person's file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning being given, referral to the Licensing Sub-Committee and/or prosecution.
- 14.3 The aim of a penalty points scheme is that it should 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 a licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person to hold a licence. It does not prejudice the Council's ability to take other action.
- 14.4 The primary objective of the penalty points scheme is to improve the levels of compliance and help improve standards, and to ensure the safety and protection of the travelling public.
- 14.5 Any penalty points imposed remain on a person's record for a twelve month period. This period is on a roll-forward basis, so as to allow any points imposed 12 months or more earlier to be considered as spent and therefore excluded from the running total recorded against any individual licence holder.
- 14.6 In the event that a driver/owner/operator commits an offence or breaches a condition as listed in the penalty points table below he/she may be awarded the number of points applicable to the circumstances as shown in the table for the breach/offence.

15 Issue of Penalty Points

- 15.1 Complaints by 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 imposition of discretionary points. These are the offences shown in the table where the points 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 revoke a licence, or issue a warning

to the licence holder, depending on the circumstances. .

- 15.3 Penalty Points will remain current for 12 months from the date the penalty points are issued. Points issued to either the proprietor of a vehicle, operator 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.
- 15.7 If a licence is revoked under this procedure, no new application will be considered until a period of 12 months has elapsed since the revocation.

PENALTY POINTS TABLE				
	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
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		✓

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8	Failure to produce relevant documents within timescale when requested by an authorised officer.	4	✓	✓
PENALTY POINTS TABLE				
	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
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	4		✓

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	commencement and cessation of work of each driver each day.			
PENALTY POINTS TABLE				
	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
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	See 9			
29	Displaying any feature on private hire vehicle that may suggest that it is a taxi.	6		✓
30				
31	Failure to carry an assistance dog without requisite exemption.	12	✓	✓
32	Driver not holding a current DVLA Licence.	12	✓	✓
33	Failure to wear driver's badge.	4	✓	
34	Failure to notify, in writing, a change in medical circumstances.	6	✓	✓
35	Unsatisfactory appearance of driver.	3	✓	
36	Failure to observe rank discipline. (Hackney Carriage)	3	✓	
37	Leaving an unattended Hackney Carriage on a taxi rank	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		✓
41	Failure to issue receipt on request.	1-12	✓	✓

	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
42	Failure to return vehicle licence plate within 7 days after due notice following revocation or suspension of such licence.	4		✓
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				
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, or suitable tyre reinflation device.	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	✓	✓

Section 6 - Enforcement and Compliance

APPENDIX A

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.

Table 1. Offences where a licence will automatically be refused or a current licence will be revoked
Murder
Manslaughter
Manslaughter or Culpable Homicide while Driving
Robbery
Arson with intent
Rape
Indecent Assault on a Child Under 16 yrs

Table 2. Offences where a licence will automatically be refused, or a current licence will be revoked and no further application entertained until the requisite number of years have elapsed
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Offences Involving Dishonesty	Years since conviction
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

Table 3. Offences Involving Drugs	Years since conviction
Possessing Controlled Drug	4
Possessing Controlled Drug with Intent to Supply	6
Producing Controlled Drug	4
Import Drugs	5

Table 4. Offences Involving Violence	Years since conviction
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

Table 5. Offences Involving Indecency	Years since conviction
Indecent Exposure	8
Importuning	6
Indecent Assault on a Person over 16 yrs	8
Living Off Immoral Earnings	7
Prostitution	7
Possessing or Distributing Obscene Material	8
Indecent or Nuisance Telephone Calls	5

Table 6. A licence may be issued (or not revoked) following the offences below. However a strict warning may be given regarding future conduct. More than one offence may result in refusal or revocation.
Using Threatening, Abusive Words or Behaviour
Breach of the Peace
Drunk and Disorderly / Drunk and Incapable

Offences covered under minor motoring convictions (See Paragraph 10.1)

AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours.
AC30	Undefined accident offence
CU10	Using vehicle with defective brakes.
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.
CU30	Using a vehicle with defective tyres.
CU40	Using a vehicle with defective steering.
CU50	Causing or likely to cause danger by reason of load or passengers.
CU60	Undefined failure to comply with Construction and Use Regulations.
CU80	Using a mobile phone whilst driving
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 (See Paragraph 10.2)

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. (see paragraph 10.4)
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 (See Paragraph 10.3)

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 Driver’s or vehicle 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.