

LICENSING AND REGULATION COMMITTEE

10 November 2011

STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY AND  
PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS - MINOR  
AMENDMENTS

REPORT OF HEAD OF LEGAL SERVICES

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RECENT REFERENCES:

[LR 363](#) - Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators – 28 March 2011

[LR 331](#) - Statement Of Licensing Policy With Respect To Hackney Carriage And Private Hire Vehicles, Drivers And Private Hire Operators - 25 January 2011

EXECUTIVE SUMMARY:

The Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators was approved by the Licensing and Regulation Committee on 28 March 2011 and adopted by Cabinet on 13 April 2011.

The Licensing Sub Committee is asked to consider and approve minor amendments to the Policy as set out in Appendix 1. These cover the use of left hand drive vehicles, and a change to allow assessments in addition to the current DSA assessment to be used where this is considered appropriate.

It is proposed to consult drivers and operators on the proposed changes, with any comments to be considered at the meeting of the Committee on 19 January 2012.

**RECOMMENDATIONS:**

1. That the proposed amendments to the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators, as set out in Appendix 1, be approved for consultation with drivers and operators for a period from 1-31 December 2011.
2. That any representations to the proposed amendments be considered by the Committee at its meeting of 19 January 2012.
3. That in the event of no representations being received by 31 December 2011, delegated authority be given to the Head of Legal Services to adopt the amendments.

## LICENSING AND REGULATION COMMITTEE

10 November 2011

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

#### REPORT OF HEAD OF LEGAL SERVICES

##### DETAIL:

##### 1. Introduction

- 1.1. The Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators was approved by the Licensing and Regulation Committee on 28 March 2011 and adopted by Cabinet on 13 April 2011.
- 1.2. The Licensing and Regulation Committee are asked to consider and approve minor amendments to the Policy as set out in Appendix 1. Amendments are shown underlined and in Italics.
- 1.3. The trade will be consulted using the next edition of the 'HC PH Bulletin' which is due to be sent out to all drivers and operators during November 2011. A formal consultation period of 1 December to 31 December 2011 is proposed. If any comments are received during this period, it is intended to report back to the Licensing and Regulation Committee at its meeting on 19 January 2012.

##### 2. Amendments

- 2.1 Right Hand Drive Vehicles - The addition of paragraphs 5.11 and 6.5 under Hackney Carriage and Private Hire Vehicles is to confirm that all vehicles must be right hand drive, as such vehicles are designed to operate safely on the District's roads. The paragraph includes the wording: "In exceptional circumstances a licence may be granted for a left hand drive vehicle" so that officers may depart from the Policy and grant a licence to a left hand drive vehicle where it is considered that the particular circumstances of an application warrant it.
- 2.2 Driving Assessments - The Statement currently provides for new applicants to pass a Driving Standards Agency Assessment Test, and also extends this requirement to any driver who the Licensing Sub-Committee or Head of Legal Services considers should undergo such a test. Officers have previously considered other forms of training and driving assessments for current licence holders where their standard of driving or conduct has been fallen below that expected by the Council, and for new applicants who might have, for example, driving endorsements but no other criminal convictions. This might raise the question whether the applicant should be granted a licence.

- 2.3 It is therefore proposed to add “or any other driving assessment or training, which is considered appropriate” to certain sections of the Statement as set out below to cover any training or driving assessments which might become available to assist officers with their decisions about granting new driver applications or enforcement for current licence holders.
- 2.4 The additional wording is inserted twice into the original paragraph 8.6 a and this has then been split into two sections; 8.6 a for new applicants and a new 8.6 c for current licence holders. The wording has also been included in paragraphs 10.1 b and 10.2 a.
3. Conclusion
- 3.1 The overriding objective is to ensure the safety of the travelling public. The Licensing Section is dedicated to ensuring that the standards of drivers, vehicles and operators are always as high as possible, in addition to being fair to applicants and current licence holders.
- 3.2 It is considered that these minor changes are appropriate to further enhance these standards. Comments will be invited from drivers and operators over a consultation period of a minimum of 31 days.

#### OTHER CONSIDERATIONS:

#### 4. SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

- 4.1. This report relates to ensuring the safety of the public using taxis and private hire vehicles licensed by the Council.

#### 5. RESOURCE IMPLICATIONS:

- 5.1. It is anticipated that the cost of implementation will be covered in the existing budget.

#### 6. RISK MANAGEMENT ISSUES

- 6.1. None

#### BACKGROUND DOCUMENTS:

Department for Transport Taxi and Private Hire Vehicle Licensing – Best Practice Guide – 2 March 2010.

#### APPENDICES:

1. Extracts from Statement of Licensing Policy with regard to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators, showing proposed amendments.

## 5 Hackney Carriage Vehicles

- 5.1 When first presented for licensing as a hackney carriage, the vehicle must be within certain age limits:
- a All vehicles, both saloon and purpose built, when licensed for the first time must be less than three 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 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.
- 5.11 All vehicles must be right hand drive. In exceptional circumstances a licence may be granted for a left hand drive vehicle.

## 6 Private Hire Vehicles

When first presented for licensing as a private hire vehicle, the vehicle must be within certain age limits:

- a All vehicles, both saloon and purpose built, when licensed for the first time must be less than three 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 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.
- 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 satisfactory proof of "executive hiring" has been received by the Council.

6.5 All vehicles must be right hand drive. In exceptional circumstances a licence may be granted for a left hand drive vehicle.

## 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 for an enhanced check. This form is submitted to the CRB by the countersignature for the Council 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. Such checks shall be carried out on initial application and on renewal every three years.
- 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 (DSA) Taxi Assessment Test (or any other driving assessment or training which the Council considers appropriate) and produce a pass certificate.
- 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.
- c 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 DSA Taxi Assessment Test or any other driving assessment or training, which is

*considered appropriate*, where satisfied that the driver's standard of driving or general conduct are such that an assessment is desirable.

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.
- b 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. In addition, an existing licence holder may be required to take (or retake) a Driving Standards Agency Taxi Assessment Test or any other driving assessment or training, which is considered appropriate.

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 or any other driving assessment or training, which is considered appropriate.
- b 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 least three years from the time of the conviction, or restoration of the DVLA driver licence, (whichever is the greater).