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| Meeting | Licensing & Regulation Committee |
| Date and Time | Tuesday, 7th June, 2022 at 6.30 pm. |
| Venue | Walton Suite, Winchester Guildhall |

Note: *This meeting is being held in person at the location specified above. In line with relevant legislation and public health guidance the following arrangements apply. Members of the public should note that a live audio feed of the meeting will be available from the councils website (www.winchester.gov.uk) and the video recording will be publicly available on the council's YouTube channel shortly after the meeting.*

For members of the public and "visiting councillors" who are unable to utilise this facility a limited number of seats will be made available at the above named location however attendance must be notified to the council at least 3 clear working days before the meeting. Please note that priority will be given to those wishing to attend and address the meeting over those wishing to attend and observe.

AGENDA

PROCEDURAL ITEMS

- 1. Apologies and Deputy Members**
To record the names of apologies given and Deputy Members who are attending the meeting.
- 2. Disclosures of Interests**
To receive any disclosure of interests from Members and Officers in matters to be discussed.

Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.



3. **Appointment of vice-chairperson for the 2022/23 municipal year**
4. **Minutes of the previous meeting** (Pages 5 - 6)
Minutes of the previous meeting held on 10 March 2022

BUSINESS ITEMS

5. **Public Participation**
To receive and note questions asked and statements made from members of the public on issues relating to the responsibility of this Committee.

Members of the public and visiting councillors may speak at this Committee, provided they have registered to speak three working days in advance. Please contact Democratic Services **by 5pm on Monday 30 May 2022** via democracy@winchester.gov.uk or (01962) 848 264 to register to speak and for further details.

6. **Taxi policy review (LR560)** (Pages 7 - 148)

Lisa Kirkman
Strategic Director and Monitoring Officer

All of the Council's publicly available agendas, reports and minutes are available to view and download from the Council's [Website](#) and are also open to inspection at the offices of the council. As part of our drive to minimise our use of paper we do not provide paper copies of the full agenda pack at meetings. We do however, provide a number of copies of the agenda front sheet at the meeting which contains the QR Code opposite. Scanning this code enables members of the public to easily access all of the meeting papers on their own electronic device. Please hold your device's camera or QR code App over the QR Code so that it's clearly visible within your screen and you will be redirected to the agenda pack.



26 May 2022

Agenda Contact: Nancy Graham, Senior Democratic Services Officer
Tel: 01962 848 235 Email: ngraham@winchester.gov.uk

**With the exception of exempt items, Agenda, reports and previous minutes are available on the Council's Website www.winchester.gov.uk*

MEMBERSHIP:

Councillors

Chairperson: Williams (Liberal Democrats)

Vice Chairperson: tbc

Conservatives

Cunningham

Isaacs

Kurn

McLean

Liberal Democrats

Achwal

Batho

Laming

Reach

Small

Westwood

Deputy Members

Pearson and Read

Clear and Cramoysan

Quorum = 4 members

PUBLIC PARTICIPATION

Representations will be limited to a maximum of 3 minutes, subject to a maximum 15 minutes set aside for all questions and answers. To reserve your place to speak, you are asked to **register with Democratic Services three clear working days prior to the meeting** – please see public participation agenda item for further details.

People will be invited to speak in the order that they have registered, subject to the maximum time period allowed for speaking not being exceeded. Public Participation is at the Chairperson's discretion.

FILMING AND BROADCAST NOTIFICATION

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DISABLED ACCESS

Disabled access is normally available, but please phone Democratic Services on 01962 848 264 or email democracy@winchester.gov.uk to ensure that the necessary arrangements are in place.

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LICENSING & REGULATION COMMITTEE

Thursday, 10 March 2022

Attendance:

Councillors

Bentote (Chairperson)

Cunningham
Kurn
Laming

McLean
Read

Others in attendance who addressed the meeting:

Councillor Cutler (Cabinet Member for Finance and Service Quality)

Apologies for Absence:

Councillors Evans, Green and Westwood (with Councillor Cramoysan attending as standing deputy)

[Full audio and video recording](#)

1. **APOLOGIES AND DEPUTY MEMBERS**

Apologies and deputy members were noted as set out above.

2. **DISCLOSURES OF INTERESTS**

Councillor Bentote declared a personal (but not prejudicial interest) as a ward councillor for Whiteley and Shedfield.

3. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the committee held 8 December 2021 be approved and adopted.

4. **PUBLIC PARTICIPATION**

No members of the public had registered to speak but the Chairperson welcomed Curdridge Parish Councillor Larry Burden who was present to observe the meeting.

5. **NORTH WHITELEY COMMUNITY GOVERNANCE REVIEW**
(LR555)

The Governance Manager introduced the report and outlined the requirement for a community governance review (CGR) because of the developing community at North Whiteley. Members' attention was drawn to a correction to section 1.8 of the appendix to note that there were four options under consideration (not five as stated).

The Governance Manager responded to members' questions regarding the anticipated number of new dwellings within the North Whiteley Major Development Area (the MDA) and confirmed that the vast majority fell within the current Curdridge Parish Council area.

With regard to the detail of how a review would be undertaken, it was confirmed that a CGR advisory group was to be established with membership of councillors and residents of the MDA. In addition to working closely with Curdridge Parish Council and Whiteley Town Council, neighbouring parish councils would also be consulted. It was possible for other options than the four proposed in the report to be put forward during the consultation. The results of the consultation would be brought back to a Committee in June 2022.

The Committee noted that once the CGR terms of reference were agreed, the review must be completed within twelve months and the Governance Manager confirmed there were sufficient resources to enable this.

RESOLVED:

1. That the Community Governance Review be undertaken.
2. That the Community Governance Review be conducted in accordance with the Terms of Reference contained in Appendix 1 of the report, subject to the correction to section 1.8 as noted above.

The meeting commenced at 6.30 pm and concluded at 7.00 pm

Chairperson

REPORT TITLE: TAXI POLICY REVIEW

7 JUNE 2022

REPORT OF CABINET MEMBER: Cllr Jackie Porter, Cabinet Member for Place and Local Plan

Contact Officer: Briony Appletree

Tel No: 01962 848 188 Email licensing@winchester.gov.uk

WARD(S): ALL

PURPOSE

Following the Department for Transport's publication of its 'Statutory taxi and private hire vehicle standards' in July 2020, and both trade and public consultation, this report seeks to amend the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Drivers, Vehicles and Private Hire Operators ("the Policy"), and the three associated sets of licence conditions for drivers, vehicles and operators. It is recommended that the Licensing and Regulation Committee approve these changes and that the reviewed Policy and conditions are referred for consideration by Cabinet.

RECOMMENDATIONS:

That Committee

1. Agree the amendments to the Policy and the associated changes to driver, vehicle and operator licence conditions as set out in Appendix 1 of this report; and
2. Refer the Statement of Licensing Policy as relates to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators, Appendix 1, for consideration by Cabinet.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Vibrant Local Economy
- 1.2 Supporting our taxi and private hire trade (private hire operators and self-employed drivers) to provide a safe and professional service for residents, visitors and tourists.
- 1.3 Living Well
- 1.4 The taxi and private hire provide an invaluable service to many different customers, especially those who are less mobile without their own personal means of transport and rely on licensed drivers to pick them up and drop them off door to door. Without this service, some members of our community would find it more challenging to move around the district and beyond.
- 1.5 Your Services, Your Voice
- 1.6 This Policy seeks to make improvements to ensure the safety of the public travelling in licensed vehicles. This gives the public confidence when using this service. For example, the display of information on how to give feedback on licensed drivers and vehicles to the Council, and increased frequency of DBS checks.

2 FINANCIAL IMPLICATIONS

- 2.1 Changes to the Policy propose to increase the frequency of enhanced DBS checks of hackney carriage and private hire drivers from every 3 years to every 6 months, in line with the Department for Transport's recommendations.
- 2.2 This administrative burden of checking DBS certificates at this frequency is not currently possible within the Licensing Department's current resources.
- 2.3 In order to meet this new requirements of the policy it is proposed to use the private sector to assist with checking the status of drivers' and operators' DBS checks, utilising the existing DBS Update Service.
- 2.4 A demonstration to the Council by its current DBS provider, showed that the company would manage the drivers' and operators' DBS applications and Update Service registration from beginning to end, and provide a report every 2 weeks on the status of all licensees' DBS checks.
- 2.5 This service would cost £5 + VAT per driver, per year, payable by the Council. The Council currently licences approximately 248 drivers. Other private sector providers are available and advice from the Council's Procurement Team will be taken on whether we are required to go out to tender for these services or if it falls within the scope of the current contract.

- 2.6 It is the Licensing Department's intention to propose a review of the fees due for taxi and private hire applications in 2023, ready for the 2023/24 financial year, aiming to recover the cost of this service through the application fees for hackney carriage and private hire driver's licences.
- 2.7 It is proposed that the Council will absorb the additional cost of the private sector contract for checking DBS certificates in the financial year 2022/23, noting that the trade is still slowly recovering financially from the effects of the coronavirus pandemic. Based on approximately 248 drivers, this is estimated at £1,240 + VAT. The Council will give consideration to reviewing its application fees ready for the 2023/24 financial year, noting that the trade will have benefited from more time to recover financially and thus be more likely to reasonably afford a slight increase in fees to cover the cost of the private sector contract.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The legislation that specifically controls the licensing of hackney carriages and private hire vehicles, drivers and operators, does not contain provisions that directly require the Council to prepare and publish a hackney carriage and private hire licensing policy.
- 3.2 Nevertheless, the Regulators' Code, which has statutory effect by virtue of section 22 of the Legislative and Regulatory Reform Act 2006, means the Council must have regard to the requirements of the Code. The development of a hackney carriage and private hire licensing policy to guide licensing activities will ensure that the council satisfies its legal responsibilities with respect to specific elements of the Regulators' Code and will assist the council to demonstrate that it has had due regard to the Code in relation to this particular area of law.
- 3.3 It is good practice for local authorities to consult on any changes made to the Statement of Licensing Policy. A full consultation was correctly undertaken which engaged with all relevant stakeholders – see paragraphs 6 and 7 below.
- 3.4 The proposed Policy enables the Council to demonstrate that it takes its hackney carriage and private hire licensing role seriously. The Policy creates transparency for all stakeholders providing the manner in which the Council intends to undertake its hackney carriage and private hire licensing responsibilities. Additionally the Policy provides the Council with a basis for a robust defence to any challenges that may be encountered in respect of decisions made and enforcement action taken. The proposal to use the private sector to assist with checking the status of drivers' and operators' DBS checks will require a robust procurement procedure. The Licensing Department will work with the Procurement Team to ensure that the process to secure an external provider for the service is in accordance with Council's Contract Procedure Rules and the Public Contract Regulations 2015.

- 3.5 The Council's Procurement Team have advised that for a total contract value of up to £10k, one written quotation would be required to satisfy the Council's Contract Procedure Rules.

4 WORKFORCE IMPLICATIONS

- 4.1 The Policy review and implementation of the proposed changes will, with the exception of checking 6-monthly DBS checks (see above), be managed within the Licensing Department's current resources.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None.

6 CONSULTATION AND COMMUNICATION

- 6.1 A full trade and public consultation was undertaken with regards to the proposed changes to the Policy and associated conditions. The consultation period was held from 14 February 2022 to 14 March 2022, published on the Council's website and notice displayed at the City Offices' Main Reception. All licensed hackney carriage and private hire drivers, vehicle proprietors and private hire operators received details of the proposed changes and links to the consultation survey via email and post.

- 6.2 A total of seven responses were received to the consultation, four of which were from licensed hackney carriage or private hire drivers and three from the public and/or other stakeholders.

- 6.3 The consultation results can be found at Appendix 6 to this report, with key findings summarised in section 7 below.

- 6.4 Members of the Licensing and Regulation Committee were briefed on the proposed changes to the Policy and associated conditions at the meeting held on 8 December 2021, during which a number of Members' questions were answered by the Interim Licensing Manager.

- 6.5 Proposed changes and consultation details have been communicated via email with the Taxi and Private Hire Forum, currently consisting of four members of the trade.

- 6.6 Proposed changes were also discussed with the Chair of the Licensing and Regulation Committee and Portfolio Holder for Climate Emergency prior to trade and public consultation.

7 **Consultation Responses**

- 7.1 A report of consultation responses can be found at Appendix 6 to this report. The report indicates that the majority of respondents agreed with the Council's proposals, and that matters relating to public safety and safeguarding of children and vulnerable adults were important to them.

DBS Checks, the DBS Update Service and Certificates of Good Character

- 7.2 Six out of seven respondents either strongly agreed or agreed that the Council should require enhanced DBS certificates to be provided by drivers every six months, and that they should be required to sign up to the DBS Update Service. One out of seven respondents disagreed with these proposals. **The majority of respondents agreed with the proposals.**
- 7.3 Seven out of seven respondents either strongly agreed or agreed that the Council should require basic DBS certificates to be provided by vehicle proprietors every 12 months. **All respondents agreed with this proposal.**
- 7.4 Six out of seven respondents either strongly agreed or agreed that the Council should require a Certificate of Good Character from any applicant who has spent at least six months overseas. One out of seven respondents disagreed with this proposal. **The majority of respondents agreed with the proposal.**
- 7.5 Seven out of seven respondents either stated that it was important or very important that drivers and vehicle proprietors have a regular criminal record check. **All respondents stated that this was important to them.**
- 7.6 Six out of seven respondents either stated that it was important or very important that private hire operators have a regular criminal record check. One out of seven respondents stated that this was unimportant to them. **The majority of respondents stated that this was important to them.**
- 7.7 Seven out of seven respondents either strongly agreed or agreed that checking a licence holder's criminal records can help to protect children and vulnerable people. **All respondents agreed with this statement.**

Disclosure of Information

- 7.8 Seven out of seven respondents either strongly agreed or agreed that the Council should require drivers and operators to disclose convictions, cautions, arrests, fixed penalty notices and community resolutions within 48 hours. **All respondents agreed with this proposal.**
- 7.9 Seven out of seven respondents either strongly agreed or agreed that the Council should require applicants to disclose whether they have had an application refused, or a licence suspended or revoked, by another licensing authority. **All respondents agreed with this proposal.**
- 7.10 Seven out of seven respondents either strongly agreed or agreed that knowing about applicants' licence history with other licensing authorities could help to protect children and vulnerable people. **All respondents agreed with this statement.**

Display of Information

- 7.11 Six out of seven respondents either strongly agreed or agreed with the Council's proposal to mandate the display of information relating to how to make a customer complaint should be displayed in all licensed vehicles. One respondent out of seven neither agreed nor disagreed with this proposal. **The majority of respondents agreed with the proposal.**
- 7.12 Seven out of seven respondents either strongly agreed or agreed that displaying the above information in licensed vehicles could help to protect children and vulnerable people. **All respondents agreed with this statement.**
- 7.13 Seven out of seven respondents confirmed that, in the absence of the above information displayed in licensed vehicles, they would know how to complain to the Council. Whilst all respondents indicated that the display of this information would not necessarily be of benefit to them, it must be noted that the consultation only had seven responses. The display of this information will likely be of more benefit to those users of licensed vehicles that do not live locally, rather than those that live in the Council's district.
- 7.14 Six out of seven respondents stated that it was either unimportant or very unimportant that customers are provided with a range of options to contact the Council, such as using their smartphone or scanning a QR code. One respondent stated that this was very important. **The majority of respondents stated that this was unimportant to them.** The Council continues to look for innovative ways to communicate with its customers and therefore it is still considered relevant to provide several options to customers, such as telephone, email, online forms and QR codes.

Decision Making

- 7.15 Seven out of seven respondents either strongly agreed or agreed with the recommendation that the Council uses information on the NR3 register to inform the determination of applications. **All respondents agreed with the proposal.**
- 7.16 Six out of seven respondents stated that they think the Council should make it clearer in the Policy that many factors are considered in determining whether an applicant is 'fit and proper.' One respondent stated that they 'don't know.' **The majority of respondents agreed that the Policy could be made clearer in this regard.**

Private Hire Operators

- 7.17 Six out of seven respondents either strongly agreed or agreed that private hire operators should maintain a list of all staff responsible for taking bookings and dispatching vehicles. One respondent disagreed with this proposal. **The majority of respondents agreed with the proposal.**

- 7.18 Six out of seven respondents either strongly agreed or agreed that private hire operators should record that they have seen a basic DBS check for those staff members above. One respondent neither agreed nor disagreed with the proposal. **The majority of respondents agreed with the proposal.**
- 7.19 Seven out of seven respondents either strongly agreed or agreed that, where a private hire operator outsources its booking and/or dispatch functions to a third-party, a copy of that third-party's policy on protecting children and vulnerable adults is retained. **All respondents agreed with the proposal.**
- 7.20 Seven out of seven respondents either strongly agreed or agreed that private hire operators should produce a policy on employing ex-offenders. **All respondents agreed with the proposal.**
- 7.21 Seven out of seven respondents either strongly agreed or agreed that private hire operators should maintain records of all bookings, including pick-up point, registration number of vehicle, name of staff that took the booking and name of staff that dispatched the vehicles. **All respondents agreed with the proposal.**
- 7.22 Six out of seven respondents either strongly agreed or agreed that private hire operators should not use PSVs to fulfil bookings unless the customer is informed and provides consent for this. One respondent neither agreed nor disagreed with the proposal. **The majority of respondents agreed with the proposal.**

General

- 7.23 Seven out of seven respondents either strongly agreed or agreed that the Council should review its Policy at least every five years. **All respondents agreed with the proposal.**

8 ENVIRONMENTAL CONSIDERATIONS

- 8.1 None.

9 PUBLIC SECTOR EQUALITY DUTY

- 9.1 The Council is committed to offering a range of vehicles for all customers. The current Policy requires all new hackney carriage vehicles to be wheelchair accessible; there is no proposal to change this.
- 9.2 The current Policy also requires all new and current drivers to have completed an approved Disability Awareness Training session and, for those who drive wheelchair accessible vehicles, a Wheelchair Assessment. There is no proposal to change these requirements.
- 9.3 The proposed changes to the Winchester City Council's Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Drivers, Vehicles and Private hire Operators arising from the Department for

Transport's publication of its 'Statutory taxi and private hire vehicle standards' do not give rise to concerns regarding the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people.

9.4 A draft Equality Impact Assessment can be found at Appendix 7.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 The proposed changes to the Policy include the requirement for the licensing authority to consider whether it is appropriate to make a referral to the Disclosure and Barring Service where a hackney carriage and/or private hire driver's licence is revoked, or an application refused. This referral would include the licensee's name, date of birth, address and relevant details of the reasons for refusal or revocation.

10.2 The proposed changes to the Policy include the requirement for the licensing authority to consider whether it is appropriate to notify the police where a hackney carriage and/or private hire driver's licence is revoked, or an application refused, if done so on public safety grounds. This referral would include the licensee's name, date of birth, address and relevant details of the reasons for refusal or revocation.

10.3 It is proposed to use information stored on the National Anti-Fraud Network's NR3 database to inform the licensing authority's decision on whether an applicant or current licence holder is 'fit and proper' to hold a licence.

10.4 It is also proposed to contribute to the National Anti-Fraud Network's NR3 database with details of any applications refused or licences revoked. This referral would include the licensee's name and confirmation of whether the licence was refused or revoked.

10.5 A draft Data Protection Impact Assessment (DPIA) has been carried out by the Interim Licensing Manager. The purpose of the DPIA is to enable any data protection and privacy implications to be considered and if necessary, mitigated. This can be found at Appendix 8.

11 RISK MANAGEMENT

| Risk | Mitigation | Opportunities |
|--------------------|---|----------------------|
| Financial Exposure | Referring to 3.6 above, it is the Council's intention to undertake a fee review prior to the 2023/24 financial year which will incorporate the cost of private sector contracts required to fulfil the requirements of this | |

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| | <p>policy.</p> <p>It is possible that the Council choose not to approve increased fees, and so there is an element of financial risk in these proposals in that the Council may, if increased fees are not increased, incur an additional cost of £1,240 + VAT per annum.</p> | |
| Exposure to challenge | <p>The Policy and associated conditions could be challenged by Judicial Review, but as an open and fair consultation has taken place and the Council's decision-making process is lawful, a successful challenge is considered unlikely.</p> <p>A full consultation was correctly undertaken which engaged with all relevant stakeholders, with guidance from the Council's Legal Team.</p> | <p>There is an opportunity through public consultation to raise awareness of the various safeguarding measures in place to ensure public safety in relation to using taxis and private hire vehicles.</p> |
| Innovation | N/A | |
| Reputation | <p>The Policy and associated conditions set out the expectations of applicants and licensees, balancing their ability to work and generate income and the Council's responsibility to ensure public safety.</p> | |
| Achievement of outcome | <p>The Department for Transport has indicated in its 'Statutory taxi and private hire vehicle standards' document that it <i>'expects all licensing</i></p> | <p>Opportunity to improve the safety of users of taxis and private hire vehicles, including children and vulnerable people, by implementing the</p> |

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| | <p><i>authorities to implement these recommendations unless there are compelling local reasons not to.</i> By reviewing the Policy and associated conditions the Council has ensured that all recommendations are implemented where possible, and documented reasons are provided where these recommendations have not been implemented.</p> | <p>recommendations of The Department for Transport. Also an opportunity to increase public confidence in using these methods of transport, knowing that they are safe and regulated.</p> <p>Opportunity to review the Policy and associated conditions to ensure that they are fit for purpose and relevant to current legislation, guidance and safeguarding practices.</p> <p>Opportunity once the reviewed Policy and conditions are published to raise awareness of the safeguards in place to ensure public safety in relation to use of taxis and private hire vehicles.</p> |
| Property | N/A | |
| Community Support | All elected Members, licensed hackney carriage and private hire drivers, vehicle proprietors, private hire operators and the public have been consulted. | |
| Timescales | <p>The current Policy and associated conditions will remain live under the reviewed versions are adopted.</p> <p>It is anticipated that the Policy will be adopted either at the next Decision Day, or by the relevant Cabinet Member should they opt not to send this report to Cabinet</p> | |
| Project capacity | N/A | |

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| Other | N/A | |
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12 SUPPORTING INFORMATION:

Background

- 12.1 The Department for Transport published its 'Statutory taxi and private hire vehicle standards' in July 2020, with the document focusing on establishing common core minimum standards across the taxi and private hire sector and aiming to protect children and vulnerable adults.
- 12.2 The Department for Transport expects all licensing authorities to implement these recommendations unless there are compelling local reasons not to.
- 12.3 The standards in the document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in the more recently published document take precedence.
- 12.4 The Department for Transport states that, in the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.
- 12.5 The Council has published a comprehensive document that outlines its consideration of the standards and how it intends to implement them. This has formed the basis of a review of the Policy and associated conditions. This document can be found at Appendix 5 to this report.
- 12.6 The recommendations include, but are not limited to: 6 monthly enhanced DBS checks for drivers; yearly DBS checks for vehicle proprietors and private hire operators; requirement to disclose relevant information to the licensing authority within 48 hours and on application; mandate the display of licensing authority contact details in licensed vehicles; require private hire operators to write a policy on employing ex-offenders; and require private hire operators to maintain a register of all staff that take bookings or dispatch vehicles.

Proposals

- 12.7 The proposed changes can be found tracked in Appendices 1-4 of this report. The changes are explained in full in Appendix 5, and summarised below.

Hackney Carriage and/or Private Hire Drivers

- 12.8 Mandate the requirement for all hackney carriage and private hire drivers to be signed up to the DBS Update Service, and give consent to the licensing authority checking the status of their DBS at least every six months. Those who fail to sign up to the DBS Update Service shall be subject to six-monthly enhanced DBS checks, complete with checks of the Barred Lists. *(The Council currently requires enhanced DBS checks every 3 years, and registration to the DBS Update Service is only advised).*
- 12.9 Require hackney carriage and private hire drivers to obtain a new enhanced DBS check, complete with checks of the Barred Lists, where the DBS Update Service indicates that there have been changes to their record.
- 12.10 Require an applicant to submit a 'Certificate of Good Character' where they have spent an extended period (six or more continuous months) outside the UK. Where the time spent outside the UK was prior to the applicant turning 18 years old, this may not be required but will be considered on a case-by-case basis. *(The Council currently requires applicants that have lived in the UK for less than 10 years at the time of first application to provide a Certificate of Good Character. It is proposed to replace this requirement with the more robust recommendation made by the Department for Transport).*
- 12.11 Require licence holders to disclose to the Council in writing, within 48 hours, any arrest, charge, conviction, caution, fixed penalty notice or community resolution imposed on them during the period of licence. *(The Council currently requires licence holders to only disclose convictions and cautions within 7 days).*
- 12.12 Specify the following as an offence for which up to 6 local authority penalty points can be applied to a hackney carriage or private hire driver's licence: Failure to notify the Licensing Authority, in writing, of any arrest, charge, conviction, caution, fixed penalty notice or community resolution within 48 hours during period of licence. *(Not currently specified).*
- 12.13 Requirement for all applicants and current licence holders to disclose if they have a licence suspended by another licensing authority, in addition to already being required to disclose whether a licence has been refused or revoked. *(The Council currently only requires applicants and current licence holders to disclose refusals or revocations).*

Hackney Carriage and Private Hire Vehicles

- 12.14 Mandate basic Disclosure and Barring Service checks for vehicle proprietors every 12 months, and advise registration to the DBS Update Service. Individuals who are already licensed as hackney carriage or private hire drivers (and thus have a six-monthly enhanced DBS check) need not comply with this requirement. *(The Council does not currently require DBS checks from vehicle proprietors).*

- 12.15 For clarity, an individual who is not a licensed driver may apply to license a hackney carriage or private hire vehicle, and then permit another person who is a licensed driver to use the vehicle for work purposes.
- 12.16 Require that where the applicant for a hackney carriage or private hire vehicle licence is a company or partnership, all directors or partners of that company or partnership shall provide a basic Disclosure and Barring Service check. Where directors or partners are already licensed as hackney carriage or private hire drivers (and thus have a six-monthly enhanced DBS check), they need not comply with this requirement. *(The Council does not currently require DBS checks from vehicle proprietors).*
- 12.17 Where the applicant for a hackney carriage or private hire vehicle licence has spent an extended period (six or more continuous months) outside of the UK, they must supply a Certificate of Good Character from their embassy or from the country in which they have been living. *(The Council currently requires applicants that have lived in the UK for less than 10 years at the time of first application to provide a Certificate of Good Character. It is proposed to replace this requirement with the more robust recommendation made by the Department for Transport).*
- 12.18 Mandate the display of this information in all licensed vehicles, in a format and style prescribed by the Council. This signage will include the vehicle licence number, contact details for the licensing authority and a QR code that, upon scanning with a smartphone or similar device, directs the customer to the online feedback form.

Private Hire Operators

- 12.19 Mandate basic Disclosure and Barring Service checks for private hire operators every 12 months, and advise registration to the DBS Update Service. Individuals who are already licensed as hackney carriage or private hire drivers (and thus have a six-monthly enhanced DBS check) need not comply with this requirement. *(The Council currently requires basic DBS checks every 3 years).*
- 12.20 Require that where the applicant for a private hire operator licence is a company or partnership, all directors or partners of that company or partnership shall provide a basic Disclosure and Barring Service check. Where directors or partners are already licensed as hackney carriage or private hire drivers (and thus have a six-monthly enhanced DBS check), they need not comply with this requirement. *(The Council currently requires basic DBS checks every 3 years).*
- 12.21 Where the applicant for a private hire operator licence has spent an extended period (six or more continuous months) outside of the UK, they must supply a Certificate of Good Character from their embassy or from the country in which they have been living. *(The Council currently requires applicants that have lived in the UK for less than 10 years at the time of first application to provide*

a Certificate of Good Character. It is proposed to replace this requirement with the more robust recommendation made by the Department for Transport).

- 12.22 Requirement for all private hire operators to keep a register of all staff that take bookings or dispatch vehicles. *(Not currently required).*
- 12.23 Requirement for all private hire operators to evidence that they have had sight of a basic Disclosure and Barring Service check on all individuals listed on their register of booking and dispatch staff. *(Not currently required).*
- 12.24 Requirement for all private hire operators to provide the licensing authority with their policy on employing ex-offenders in a role that would involve taking bookings or dispatching vehicles. *(Not currently required).*
- 12.25 Requirement for private hire operators, and/or their staff, to advise customers if their booking is to be fulfilled by a public service vehicle (PSV) and explain that PSV drivers are not subject to the same background checks as private hire drivers. *(Not currently required).*

Licensing Authority Actions / Decisions

- 12.26 Commitment to reviewing the Statement of Licensing Policy at least every five years, with provision made for interim reviews where necessary. *(Not currently specified in Policy).*
- 12.27 Requirement for Council to consider whether it is appropriate to make a referral to the DBS where a hackney carriage and/or private hire drivers licence is revoked, or an application refused. *(Not currently specified in Policy).*
- 12.28 Requirement for Council to consider whether it is appropriate to notify the police where a hackney carriage and/or private hire driver's licence is revoked, or an application refused, if done so on public safety grounds. *(Not currently specified in Policy).*
- 12.29 Information stored on the National Anti-Fraud Network (NR3) may be used to inform the licensing authority's decision on whether an applicant or current licence holder is 'fit and proper' to hold a licence. *(Not currently specified in Policy).*

Conclusion

- 12.30 The Council has fulfilled its duty to consider the Department for Transport's statutory standards, implementing recommendations wherever possible in the interests of public safety and the safeguarding of children and vulnerable adults.
- 12.31 The Council's paramount consideration is the safety of the public. However, it must also keep in mind that it is dealing with a trade that has been severely

impacted by the coronavirus pandemic. None of the proposed changes in this report are expected to result in unnecessarily financial burden for the trade.

- 12.32 In implementing the Department for Transport's recommendations the Council seeks to encourage the public to continue using taxi and private hire vehicles, confident that they will be safe.

13 OTHER OPTIONS CONSIDERED AND REJECTED

- 13.1 The Council could opt not to give consideration to the Department for Transport's 'Statutory Taxi and Private Hire Vehicle Standards'; it could consider its existing Policy and conditions fit for purpose and propose no changes as a result of the publication. However, the licensing authority's main consideration in taxi and private hire licensing is public safety, and therefore it is essential that it seek to implement national guidance and recommendations that promote public safety wherever possible.
- 13.2 The Council could opt to increase application fees this financial year in response to the proposal to use the private sector to check DBS certificates. The Council acknowledges the financial pressure that the taxi and private hire trade has been under during and since the coronavirus pandemic, and seeks to support the trade where possible. It has therefore been proposed that the additional cost of the private sector services will be absorbed by the Council for the first year, enabling the trade to continue with its essential financial recovery.

CCTV

- 13.3 The Department for Transport's 'Statutory Taxi and Private Hire Vehicle Standards' recommends that all licensing authorities undertake a review into whether installation of CCTV in hackney carriage and private hire vehicles is proportionate and necessary.
- 13.4 This is the only recommendation from the Department for Transport's recommendations that the Council is not currently in a position to take forward. An outline of reasons for this included in Appendix 5 to this report.
- 13.5 The Licensing Department is currently gathering relevant information to inform a comprehensive review of whether CCTV should be mandated in hackney carriage and private hire vehicles licensed by Winchester City Council. Part of this review will include gathering views from the taxi and private hire trade and the general public.
- 13.6 During the consultation conducted for the purposes of this Policy review, the Council included the following question: *Do you agree or disagree that the Council should conduct a review into whether mandatory CCTV in taxis and private hire vehicles is both proportionate and necessary?*

- Consultation responses indicated that two respondents ‘strongly agreed’, three respondents ‘agreed’ and two respondents ‘neither agreed nor disagreed.’ **The majority of respondents agreed with the proposal.**

13.7 The Council is committed to reviewing whether CCTV in hackney carriage and private hire vehicles is proportionate and necessary, but requires more time to gather the relevant data and conduct a thorough consultation.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

LR535: [Review of Hackney Carriage and Private Hire Policy Phase 2](#)
Tuesday 15 September 2020

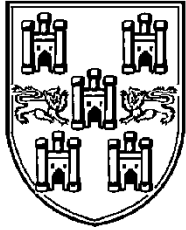
Briefing Paper: [Proposed forthcoming changes to taxi policy](#)
Wednesday 8 December 2021

Other Background Documents:-

- [Statutory taxi and private hire standards](#) (*Department for Transport, July 2020*)

APPENDICES:

1. Draft Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators
2. Draft Hackney Carriage and Private Hire Driver Conditions
3. Draft Hackney Carriage and Private Hire Vehicle Conditions
4. Draft Private Hire Operator Conditions
5. Consideration of Department for Transport’s Statutory Standards
6. Taxi Policy Review Consultation Responses Feb-March 2022
7. Equality Impact Assessment (draft)
8. Data Protection Impact Assessment (draft)



Winchester

City Council

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

Version 910 – ~~reviewed September 2020~~

~~With effect from 1 December 2020~~

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 must 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.
- 1.4 ~~Winchester City~~The Council reserves the right to depart from this Policy if there are, in its reasonable opinion, exceptional or compelling reasons to do so. In addition, the Council may follow any current or subsequent recommendations made by the Department for Transport, Institute of Licensing or any other national guidance issued.
- 1.5 The Council shall have regard to the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards (published July 2020) in exercising its functions, unless there are compelling local reasons not to do so.
- 4.41.6 The Council shall review this Statement of Licensing Policy at least every five years, with provision made for interim reviews should there be significant issues arising in the district and/or changes to relevant legislation or guidance.

2 Enquiries

- 2.1 All correspondence, applications and enquiries should be addressed to Licensing ~~Section~~Department, Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ. If you wish to see a Licensing Officer, an appointment can be made by telephoning 01962 848 188 or email licensing@winchester.gov.uk.

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 Licensing Authority.
- 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 Licensing Authority's costs of administering the licensing process. Hackney carriage and private hire driver licences are issued, ~~annually for the first three years and then~~ and can be renewed, for one year or three years. New private hire operator licences are issued, ~~for one year and then~~ can be renewed for one or for five years. All other licences are renewed annually. 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 All petrol and diesel vehicles when licensed for the first time must be less than five years from the date of first registration. The vehicle must be renewed on a year by year basis at the discretion of an Authorised Officer.
 - b All electric and hybrid vehicles when licensed for the first time as a hackney carriage must be less than eight years from the date of first registration. The vehicle must be renewed on a year by year basis at the discretion of an Authorised Officer.
 - c All petrol and diesel hackney carriage vehicles will have a maximum end of working life age of twelve years from the date of first registration, with effect from 1 December 2021.
 - d All electric and hybrid hackney carriage vehicles will have a maximum end of working life age of fifteen years from the date of first registration, with effect from 1 December 2021.
 - e In order to improve air quality and respond to the Council's climate emergency, all existing petrol/diesel vehicles that have a date of first registration before 1 September 2015 must be replaced by the 1 January 2023.
- 5.2 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. Wheelchair accessible vehicles may be either side or rear loading.
- 5.3 All hackney carriage vehicles when licensed for the first time must be a standard white colour only.
- 5.4 All hackney carriage vehicles when licensed for the first time must display a permanently fixed, approved Winchester City Council door sign on the front doors (both sides) of the vehicle.
- 5.5 All current licensed hackney carriage vehicles must display a permanently fixed Council approved Winchester City Council door sign on the front doors (both sides) of the vehicle no later than 31 December 2021~~30 June 2024~~. The sign must meet the specification prescribed by the Council. Failure to do so will result in the licence not being renewed, suspended or revoked.

- 5.6 All hackney carriage vehicles when licensed for the first time must display the licence plate permanently fixed to the rear of the vehicle to the satisfaction of the Licensing Authority.
- 5.7 All current hackney carriage vehicles must display the licence plate permanently fixed to the rear of the vehicle to the satisfaction of the Licensing Authority no later than 30 June 2021. Failure to do so will result in the licence not being renewed, suspended or revoked.
- 5.75.8 All hackney carriage vehicles must display Council approved signage advising customers how they can submit a compliment, comment or complaint to the Council.
- 5.85.9 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.
- 5.95.10 All vehicles, other than saloons, must be capable of carrying a wheelchair and its passenger, and a minimum of one other passenger, and at least four passengers at any other time.
- 5.105.11 A converted vehicle must meet “M1” specification and should have a certificate of conversion from a reputable company and a voluntary Individual Vehicle Approval (IVA) application certificate must be submitted to obtained from the DVLA. A converted vehicle will not be licensed without confirmation of this. Wheelchair accessible vehicles over 10 years of age from date of first registration do not require an IVA.
- 5.115.12 Wheelchairs must be capable of being secured in the vehicle with the passenger in a forward or rearward facing position.
- 5.125.13 Saloon vehicles must be capable of carrying four passengers.
- 5.135.14 Prior to licensing, and annually the vehicle must be tested and pass an MOT, and undergo a mechanical inspection ~~and all vehicles over three years old from the date of first registration must be tested and pass an MOT.~~ If the vehicle is under 3 years old it will require a mechanical inspection and condition test. These must be carried out at a testing station specified by the Licensing Authority.
- 5.145.15 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.
- 5.155.16 All vehicles must have at least four doors. Saloon vehicles must have four doors in addition to any tailgate.

5.165.17 The engine capacity must be not less than 1500 cc. The ~~Head of~~ Licensing Manager may depart from this section of the Policy where an applicant can produce evidence of a vehicle that has a similar power to weight ratio to a 1500cc vehicle, or, where the vehicle is environmentally friendly.

5.175.18 All vehicles must be right hand drive. In exceptional circumstances a licence may be granted for a left hand drive vehicle. This will be at the discretion of the Licensing Manager.

5.185.19 Where a licensed vehicle is involved in an accident and classes as a 'write off' under Category S or N, all vehicles must pass a further mechanical inspection check by a nominated testing station or nominated vehicle inspector and all paperwork relating to the vehicle repair must be provided to the nominated garage or inspector. If the repair is likely to have affected the steering then a full steering alignment check must be completed prior to any inspection and all paperwork must be presented to any inspecting agent and to the Licensing Department ~~licensing section~~ before the vehicle is returned for use to carry passengers for hire.

5.195.20 A temporary licensed vehicle may be required in cases where a licensed vehicle has been involved in an accident or is unusable for mechanical reasons. All temporary vehicles must be of the same type/category of vehicle that it is temporarily replacing and must comply with this section of the Policy. Any licence shall be granted for a maximum of two months. Temporary licensed vehicles do not need to comply with the requirement to display permanent Winchester City Council approved door signs.

5.205.21 All vehicles, when licensed for the first time, must have a contactless payment device to offer payment by card in addition to accepting payment in cash.

5.22 All current hackney carriage vehicles must have a contactless payment device to offer payment by card in addition to accepting payment in cash, no later than 30 June 2021. Failure to do this will result in the licence not being renewed, suspended or revoked.

5.23 All proprietors of hackney carriage vehicles (applicants and existing proprietors) must provide to the Council a basic Disclosure and Barring Service (DBS) check certificate prior to the licensing of any vehicle. Failure to provide this may result in the application being refused. Where the proprietor is a company or partnership, all directors or partners shall be required to provide a basic Disclosure and Barring Service certificate.

5.24 All proprietors (applicants and existing proprietors) are advised to register with the DBS Update Service online system. The applicant and

any current proprietor must permit an Authorised Officer to check their DBS status at regular intervals (at least every 12 months) at the discretion of the Council and in line with national guidance. The Council may also authorise their current DBS provider to carry out status checks of any vehicle proprietor's DBS at regular intervals (at least every 12 months). A refusal by any vehicle proprietor to permit regular checks of any DBS will cause the licence to be refused, suspended or revoked.

- 5.25 Where the DBS Update Service online system (or any system used by the Council's current authorised DBS provider) shows that there has been a change to the vehicle proprietor's record, a new enhanced DBS application will be required.
- 5.26 In the case of renewals, where an applicant is unable to produce a satisfactory enhanced DBS certificate or online equivalent using the DBS Update Service within one month prior to the expiry date of their current licence, the licence will not be renewed.
- 5.27 Where the vehicle proprietor is already a licensed hackney carriage or private hire driver with Winchester City Council, they need not comply with the requirements outlined in sections 5.23 to 5.26 inclusive.
- 5.28 Authorised Officers will review any convictions and other relevant information disclosed on the Disclosure and Barring Service (DBS) certificate, and this will be taken into account when deciding whether or not to grant the application. Any Authorised Officer may also contact the Police for further information surrounding a conviction, caution, arrest, charge, fixed penalty notice, community resolution or any other police investigation that has involved the applicant. This information will be used when deciding whether an applicant is a "fit and proper person". Such checks shall be carried out on initial application and during the course of a licence where there are sufficient grounds to do so.
- 5.29 Applicants who have spent an extended period (six months or more) outside of the UK must supply a Certificate of Good Character from their embassy or from the country in which they have been living. This may result in more than one certificate being required. All certificates must be written in English. If this is not possible from the supplying country the applicant must employ the services of a translation service. This service must authenticate the certificate in English by confirming in writing to the Council with full details of any certificate supplied.

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 All petrol and diesel vehicles when licensed for the first time must be less than five years from the date of first registration. The vehicle must be renewed on a year by year basis at the discretion of an Authorised Officer.
 - b All electric and hybrid private hire vehicles when licensed for the first time must be less than eight years old from the date of first registration. The vehicle must be renewed on a year by year basis at the discretion of an Authorised Officer.
 - c All petrol and diesel private hire vehicles will have a maximum end of working life age of twelve years from the date of first registration, with effect from 1 December 2021.
 - d All electric and hybrid private hire vehicles will have a maximum end of working life age of fifteen years from the date of first registration, with effect from 1 December 2021.
 - e In order to improve air quality and respond to the climate emergency, all existing petrol/diesel vehicles that have a date of first registration before 1 September 2015 must be replaced by the 1 January 2023.
 - f In exceptional circumstances these age limits may be waived. For example, a classic car in excellent condition which will be used for special events only. This will be at the discretion of the Licensing Manager.
- 6.2 A converted vehicle should have a certificate of conversion from a reputable company and will not be accepted without such a document.
- 6.3 All vehicles when licensed for the first time shall be of any other colour except for white.
- 6.4 All vehicles when licensed for the first time must display permanently fixed approved Winchester City Council door signs (both sides) on the front doors of the vehicle, with the exception of those private hire vehicles undertaking corporate work only and that hold a valid plate exemption certificate issued by the Licensing Authority.
- 6.5 All current private hire vehicles must display a permanently fixed Council approved ~~Winchester City Council~~ door sign on the front doors (both sides) of the vehicle no later than ~~30 June 2021~~ 31 December 2021, with the exception of those private hire vehicles undertaking corporate work only and that hold a valid plate exemption certificate issued by the Licensing Authority. The sign must meet the specification

prescribed by the Council. Failure to do so will result in the licence not being renewed, suspended or revoked.

6.56.6 All new private hire vehicles must have a licence plate permanently fixed to the rear of the vehicle to the satisfaction of the Licensing Authority, with the exception of those private hire vehicles undertaking corporate work only and that hold a valid plate exemption certificate issued by the Licensing Authority.

6.7 All current private hire vehicles must have a licence plate permanently fixed to the rear of the vehicle to the satisfaction of the Licensing Authority no later than 30 June 2021, with the exception of those vehicles undertaking corporate work only and that hold a valid licence plate exemption certificate issued by the Licensing Authority. Failure to do so will result in the licence not being renewed, suspended or revoked.

6.8 All private hire vehicles must display Council approved signage advising customers how they can submit a compliment, comment or complaint to the Council.

6.66.9 A converted vehicle must meet “M1” specification and should have a certificate of conversion from a reputable company and a voluntary Individual Vehicle Approval (IVA) application certificate must be submitted to the obtained from the DVLA. A converted vehicle will not be licensed without confirmation of this. Wheelchair accessible vehicles over 10 years of age from date of first registration do not require an IVA.

6.76.10 All wheelchair accessible vehicles (WAV) must be capable of carrying a wheelchair and its passenger and a minimum of one other passenger. This vehicle can be either side or rear loading.

6.86.11 Wheelchairs must be capable of being secured in the vehicle with the passenger in a forward or rearward facing position.

6.96.12 All vehicles must have at least four doors. Saloon vehicles must have four doors in addition to any tailgate.

6.106.13 Prior to licensing, and annually the vehicle must undergo a mechanical inspection and all vehicles over three years old from the date of first registration must be tested and pass an MOT. If the vehicle is under 3 years old it will require a mechanical inspection and condition test. These must be carried out at a testing station specified by the Licensing Authority.

6.116.14 The engine capacity must be not less than 1500cc. The Council or Authorised officer may depart from this section of the Policy where an applicant can produce evidence of a vehicle that has a similar power

to weight ratio to a cc 1500 cc vehicle, or, where the vehicle is environmentally friendly.

6.126.15 In exceptional circumstances an exemption certificate may be granted to dispense with the requirement to display the licence plate and approved Council door signs. This will only be granted where satisfactory proof of “executive hiring” has been received by the Licensing Authority. Satisfactory proof must be provided to the licensing department at application and thereafter when requested by an Authorised Officer. Failure to provide such proof will result in the exemption to display a plate and door signs being refused or withdrawn.

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

~~6.14~~—Where a licensed vehicle is involved in an accident and classed as a ‘write off’ under Category S or N, all vehicles must pass a further mechanical inspection check by a nominated testing station or nominated vehicle inspector and all paperwork relating to the vehicle repair must be provided to the nominated garage or inspector. If the repair is likely to have affected the steering then a full steering alignment check must be completed prior to any inspection and all paperwork must be presented to any inspecting agent and to the licensing section before the vehicle is returned for use to carry passengers for hire.

6.17 A temporary licensed vehicle may be required in cases where a licensed vehicle has been involved in an accident or is unusable for mechanical reasons. All temporary vehicles must be of the same type/category of vehicle that it is temporarily replacing and must comply with this section of the Policy. A licence shall be granted for a maximum of two months. Temporary licensed vehicles do not need to comply with the requirement to display permanent Winchester City Council approved door signs.

6.156.18 All private hire vehicles, when licensed for the first time, must carry a contactless payment device to take payment by card in addition to accepting payment in cash.

6.166.19 All current private hire vehicles must carry a contactless payment device to offer payment by card in addition to accepting payment in cash, no later than 30 June 2021. Failure to do this will result in the licence not being renewed, suspended or revoked.

6.20 Private hire vehicles that are used to carry out pre-paid or contract work only are exempt from the requirements at 6.18 and 6.19 above, and are not required to carry a contactless payment device unless required by the operator.

- 6.21 All proprietors of private hire vehicles (applicants and existing proprietors) must provide to the Council a basic Disclosure and Barring Service (DBS) check certificate prior to the licensing of any vehicle. Failure to provide this may result in the application being refused.
- 6.22 All proprietors (applicants and existing proprietors) are advised to register with the DBS Update Service online system. The applicant and any current proprietor must permit an Authorised Officer to check their DBS status at regular intervals (at least every 12 months) at the discretion of the Council and in line with national guidance. The Council may also authorise their current DBS provider to carry out status checks of any vehicle proprietor's DBS at regular intervals (at least every 12 months). A refusal by any vehicle proprietor to permit regular checks of any DBS will cause the licence to be refused, suspended or revoked.
- 6.23 Where the DBS Update Service online system (or any system used by the Council's current authorised DBS provider) shows that there has been a change to the vehicle proprietor's record, a new enhanced DBS application will be required.
- 6.24 In the case of renewals, where an applicant is unable to produce a satisfactory DBS enhanced certificate or online equivalent using the DBS Update Service within one month prior to the expiry date of their current licence, the licence will not be renewed.
- 6.25 Where the vehicle proprietor is already a licensed hackney carriage or private hire driver with Winchester City Council, they need not comply with the requirements outlined in sections 6.21 to 6.25 inclusive.
- 6.26 Authorised Officers will review any convictions and other relevant information disclosed on the Disclosure and Barring Service (DBS) certificate, and this will be taken into account when deciding whether or not to grant the application. Any Authorised Officer may also contact the Police for further information surrounding a conviction, caution, arrest, charge, fixed penalty notice, community resolution or any other police investigation that has involved the applicant. This information will be used when deciding whether an applicant is a "fit and proper person". Such checks shall be carried out on initial application and during the course of a licence where there are sufficient grounds to do so.
- 6.27 Applicants who have spent an extended period (six months or more) outside of the UK must supply a Certificate of Good Character from their embassy or from the country in which they have been living. This may result in more than one certificate being required. All certificates must be written in English. If this is not possible from the supplying country the applicant must employ the services of a translation service. This service must authenticate the certificate in English by confirming in writing to the Council with full details of any certificate supplied.

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 their control.
- 7.2 An applicant for a private hire operator licence must be a “fit and proper person” to hold such a licence. Where the applicant is a company or partnership, all directors and/or partners must be considered ‘fit and proper’ prior to a licence being granted.
- 7.3 Pursuant to the Immigration Act 2016, applicants must prove that they have a “right to work” in the UK. Where the applicant is a company or partnership, all directors and/or partners must provide satisfactory documentation to provide their “right to work” in the UK. Failure to provide satisfactory documentation will result in the application being refused.
- 7.4 The Licensing Authority reserves the right to provide documentation or information to the Home Office where it is considered appropriate to do so in the interests of complying with legislation or to protect the public.
- 7.5 An applicant or current licence holder must disclose to the Licensing Authority if they hold or have previously held a licence with another authority.
- 7.47.6 An applicant or current licence holder must disclose to the Licensing Authority if they have had an application for a licence refused, or a licence revoked or suspended by another other licensing authority.
- 7.57.7 An applicant must supply a Basic ~~Disclosure from the~~ Disclosure and Barring Service (DBS) certificate. Where the applicant is a company or partnership, all directors and/or partners must provide this. The disclosure is required on application for the grant of a licence and every ~~three~~-years thereafter.
- 7.8 -A basic Disclosure and Barring Service (DBS) certificate can be obtained from TaxiPlus (formerly Personnel Checks) <https://orders.personnelchecks.co.uk/taxis/winchester/> www.personnelchecks.co.uk -Telephone 01264 355679. Alternatively through www.gov.uk Telephone 0300 0200 190.
- 7.9 The Licensing Authority strongly encourages operators to register with the DBS Update Service online system. The applicant and any current operator must permit an Authorised Officer to check their DBS status at regular intervals (at least every 12 months) at the discretion of the Council and in line with national guidance. The Council may also authorise their current DBS provider to carry out status checks of any Council licensed operator’s DBS at regular intervals (at least every 12 months). A refusal by any operator or operator’s member of staff to

permit regular checks of any DBS will cause the licence to be refused, suspended or revoked.

7.67.10 An applicant for a private hire operator licence who also holds, or is applying for a hackney carriage or private hire driver licence, is required to have an enhanced DBS 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. Where any hackney carriage or private hire driver ceases to hold such a licence but continues to hold a private hire operator's licence, a basic Disclosure and Barring Service (DBS) certificate will be required immediately and the private hire operator's licence may be suspended until this is received by the Licensing Authority.

7.11 All private hire operators must ~~provide to the Licensing Authority, maintain a register of~~ names and addresses of any staff employed to make the provision for bookings ~~on their behalf and/or dispatch vehicles on their behalf~~. These staff (not licensed drivers) must provide a Basic Disclosure and Barring Service (DBS) certificate to the operator and the Licensing Authority prior to the start of employment.

7.12 All new applicants must provide a copy of their procedure on employing ex-offenders to the Licensing Authority, which must include details of how often a basic Disclosure and Barring Service (DBS) certificate is required and details of how the operator shall ensure that new staff members disclose any convictions whilst they are employed in that role. This policy shall cover employment of ex-offenders in roles where they will be responding to booking requests and/or dispatching vehicles.

7.13 All current private hire operators must provide a copy of their procedure on employing ex-offenders to the Licensing Authority no later than 31 March 2022.

7.14 All new applicants must provide a copy of their complaints procedure which must be to the satisfaction of the Licensing Authority prior to any licence being issued. A complaints procedure may be recorded on paper or computer and must show the date, name, contact details, nature of complaint, how rectified and date and by which staff member.

7.77.15 ~~In order for the Licensing Authority to review the conduct of new private hire operator licence holders, new~~New applicants will be granted a licence for one or five years. The Council reserves the right to withhold issuing a five year licence where there are reasonable grounds to do so.

8 Hackney Carriage and Private Hire Driver Licences

8.1 Ability to Communicate in English

Licence holders will need to be able to engage 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 an interview with a licensing officer and any test the Licensing Authority deem appropriate to ensure that the applicant is a 'fit and proper' person to hold a licence.

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. The Council reserve the right to assess every driving licence in line with Government or Institute of Licensing recommendations or national guidance.
- b All applicants must consent to allow the Licensing Authority to check their Driving Licence online.:- The Authority will check which categories of vehicle the applicant is entitled to drive and any penalty points or disqualifications. Failure to consent to Authorised Officers obtaining this information shall result in the application being refused or current hackney carriage/private hire driver's licence being suspended or revoked.

8.3 Entitlement to Work in UK

- a Pursuant to the Immigration Act 2016, applicants must prove that they have a "right to work" in the UK. Failure to provide satisfactory documentation will result in the application being refused. Further evidence may be required on renewal of a hackney carriage or private hire driver's licence, where considered necessary in the interests of protecting the public.
- b The Licensing Authority reserves the right to provide documentation or information to the Home Office where it is considered appropriate to do so in the interests of complying with legislation or to protect the public.

8.4 Assessing Applicants' Fitness and Propriety

- a Applicants who have spent an extended period (six months or more) outside of the UK must supply a Certificate of Good Character from

~~were not born in the U.K. and/or have not lived in the U.K. for past 10 years continuously must supply a certificate of good conduct from their embassy, home country or from the country in which they have been living. This may result in more than one certificate being required; for example if the applicant has lived in multiple countries within the past 10 years.~~ All certificates must be written in English. If this is not possible from the supplying country the applicant must employ the services of a translation service. This service must authenticate the certificate in English by confirming in writing to the Council with full details of any certificate supplied.

8.5 Other Licences

- a An applicant or current licence holder must disclose to the Licensing Authority if they hold or have previously held a licence with another authority.
- b An applicant or current licence holder must disclose to the Licensing Authority if they have had an application for a licence refused, or a licence revoked or suspended by another other licensing authority.

8.5.6 Disclosure and Barring Service (DBS) Check

- a All applicants must apply for an **enhanced Disclosure and Barring Service (DBS) certificate, including checks of the Barred Lists**, using the Council's approved provider only. Full information on how to apply for an enhanced DBS can be found on the Council's website. A basic or standard DBS certificate will not be accepted.
- b Authorised Officers will review any convictions **and other relevant information** disclosed, **including whether the individual is on the Barred List(s) and t.** This will be taken into account when deciding whether or not to grant the application in accordance with the Policy on Criminal Convictions. Any Authorised Officer may also contact the Police, **using Common Law Police Disclosure**, for further information surrounding a conviction, caution, arrest, **charge, fixed penalty notice, community resolution** or any other police investigation that has involved the applicant. This information will be used when deciding whether an applicant is a "fit and proper person". Such checks shall be carried out on initial application and during the course of a licence where there are sufficient grounds to do so.
- c Notwithstanding the Licensing Authority's requirements for an **enhanced Disclosure and Barring Service (DBS) certificate and checks of the Barred Lists**, applicants **MUST** disclose full details of any criminal convictions (including any "spent" convictions under the Rehabilitation of Offenders Act 1974), cautions, **charges, arrests, fixed penalty notices, community resolutions** or any other police investigation on the application form. Failure to disclose this information that is subsequently disclosed **on** the Disclosure and Barring Service **check** or discovered by

any other means will be taken into account when considering their application. Failure to notify of a conviction on an application form is also a criminal offence and is likely to result in the application being refused.

- d ~~The Licensing Authority strongly encourages drivers~~ All applicants and existing drivers are required to register with the DBS Update Service online system. The applicant and any current driver must permit an Authorised Officer to check their DBS status at regular intervals (at least every 6 months) at the discretion of the Council and in line with national guidance. The Council may also authorise their current DBS provider to carry out status checks of any Council licensed driver's DBS at regular intervals (at least every 6 months). -A refusal by any applicant or current driver, ~~Operator or Operator's member of staff~~ to permit regular checks of any DBS will cause the licence to be refused, suspended or revoked.
- e Where the DBS Update Service online system (or any system used by the Council's current authorised DBS provider) shows that there has been a change to the applicant's record, a new enhanced DBS application (with checks of the Barred Lists) will be required.
- f Where a licence holder fails to register with the DBS Update Service, they shall be subject to 6 monthly enhanced DBS checks (with checks of the Barred Lists).
- g In the case of renewals, where an applicant is unable to produce a satisfactory DBS enhanced certificate (with checks of the Barred Lists) or online equivalent using the DBS Update Service within one month prior to the expiry date of their current licence, the licence will not be renewed.

e

8-68.7 Safeguarding

- a All applicants must pass the Council's approved Safeguarding Awareness training before a Driver or Operator Licence is granted. The pass certificate must be submitted to the Council Licensing Authority as part of the application process.
- b All hackney carriage and private hire drivers licensed before 25 February 2019 must pass the Council's approved Safeguarding Awareness training no later than 31 October 2019. Failure to do so will result in their licence not being renewed, suspended or revoked. The pass certificate must be provided with the application to renew a hackney carriage and/or private hire driver's licence.
- c All hackney carriage and private hire drivers and private hire operators will be required to update their safeguarding training upon the Council's

request using a Safeguarding Training Provider/assessment approved by the Council.

8.78.8 Driving Standards

- a In addition to possessing a driving licence issued by a relevant country, all new applicants are required to undertake the Blue Lamp Trust taxi driving assessment test (or any other driving assessment or training, which the Licensing Authority considers appropriate) and produce a pass certificate.
- b Contract drivers licensed for Schools and Disabled Contracts are exempt from 8.7a above, where the contracting authority carries out its own assessment of driving standards which is to the satisfaction of the Licensing ~~Department~~Authority.
- c An Authorised Officer may require any licensed hackney carriage or private hire driver to undergo and pass a driving assessment test, or training, which is considered appropriate e.g. Blue Lamp Trust, where satisfied that the driver's standard of driving or general conduct are such that an assessment is desirable.

8.88.9 Wheelchair Assessment

- a Any hackney carriage or private hire Licensed driver who drives a Wheelchair Accessible Vehicle must complete and pass an approved Wheelchair Safety Assessment with a training provider approved by the Licensing Authority e.g. The Blue Lamp ~~Assessment~~Trust. A pass certificate must be presented to the Licensing Authority prior to that driver being authorised to drive a Wheelchair Accessible Vehicle.

8.98.10 Wheelchair Exemptions

- a An wheelchair exemption to the requirement to transport wheelchairs may be granted to drivers who provide written evidence issued by a medical professional, confirming that they are unable to safely secure a wheelchair bound passenger into their vehicle, to the satisfaction of the Licensing Authority.

8.108.11 Disability Awareness Training

- a All applicants must complete and pass approved disability awareness training with a training provider approved by the Licensing Authority e.g. Blue Lamp Trust. A pass certificate must be presented to the Licensing Authority as part of the application process.
- b All current licensed drivers must pass approved disability awareness training with a training provider approved by the Licensing Authority no

later than 1 March 2022. A pass certificate must be presented to the Licensing Authority. Failure to do so will result in the licence not being renewed, suspended or revoked.

8.118.12 Knowledge Test-

- a All applicants are required to take and pass ~~the Private Hire and Hackney Carriage Knowledge Tests~~ a knowledge test appropriate to the type of driver licence that they have applied for. Tests are conducted by the Licensing Authority on a regular basis. The test will be conducted in English only. Payment for the test will be made in advance and failure to attend without prior notice shall mean forfeiture of any monies paid. Information regarding the knowledge tests can be found on the Council's website at www.winchester.gov.uk/licensing.
- b An Authorised Officer may include additional modules to the knowledge test where it is considered appropriate or necessary to ensure that the applicant is a 'fit and proper person' and in the interests of public safety.
- c The pass mark for all tests is 80% in each section.
- d Where an applicant applies to work for a private hire operator who does not primarily provide a service in the Winchester Town area (i.e the five Town Wards together with Oliver's Battery & Badger Farm, and The Worthys), certain modules of the test may not be required.
- e Where an applicant or current driver opts to amend their working practices in order to work primarily in the Winchester Town area they shall notify the Licensing Authority and pass the relevant knowledge test prior to commencement.
- f Drivers licensed for Schools and Disabled Contracts ~~School contracts and Disabled passengers~~ only will only be required to pass modules which are relevant to the work that they will be undertaking. Where the contracting authority carries out its own assessment of the required knowledge, applicants are exempt from the requirement to undergo a knowledge test. Evidence of completion of a knowledge test with the contracting authority must be submitted to the Licensing Authority for consideration.
- g In circumstances where a licensed driver's knowledge or conduct is in question, such as following a complaint, an Authorised Officer or Licensing Sub-Committee may require a driver to complete relevant modules of the knowledge test within a time specified.
- h An Authorised Officer may require current licence holders to pass relevant modules of the knowledge test where it is considered necessary to ensure that they are a fit and proper person and/or in the interests of public safety.

- i An applicant who was previously licensed with this Council less than three years from the date of application who originally passed the knowledge test will not be required to re-take the knowledge test.

8.128.13 Practical Knowledge Test

- a All new applicants who have passed an approved Driving Assessment Test and knowledge test, may prior to, or after, a licence being issued be required to take a practical knowledge test. This test allows the applicant to prove that they have a practical knowledge of the area. 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~~An Authorised Officer will determine whether an applicant has demonstrated a 'practical knowledge of the area to which the application applies'.

8.138.14 Medical Fitness

- a All applicants must undergo and pass a medical examination that meets the DVLA Group 2 Medical Standards of fitness to drive and must provide a medical assessment form completed by the examining doctor. This must be provided to the Licensing Authority no later than 28 days from the date of the examination.
- b A medical examination is to be carried out on initial application and every fifth year thereafter, until the age of 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 has access to their medical records, or at another surgery provided that the examining doctor has access to the applicant's medical records.
- d Any Authorised Officer may require any licensed driver to undergo a medical examination with an approved medical provider, where satisfied that a condition has arisen which might affect the person's fitness to drive a licensed vehicle. This may result in the current driver's licence being suspended or revoked.
- e Where the applicant has been diagnosed with Diabetes Mellitus, other than that ~~treat~~med by diet only, applicants must provide on renewal of their hackney carriage and/or private hire driver licence, or every 12 months in the case of a driver with a 3 years driver licence (when a

medical report is not due) confirmation that they meet the DVLA Group 2 Medical Standards of fitness to drive in the form prescribed by the Licensing Authority. This must be signed by the applicant's registered GP or a diabetic consultant.

8.148.15 New applicants

- a If an applicant has not fulfilled all of the above criteria within 12 months of submitting an application to drive a hackney carriage and/or private hire vehicle, the application will be refused.
- b Where an applicant has been refused a licence due to ~~failing the knowledge test three times and~~ not completing the above criteria within 12 months, applicants must wait no fewer than 3 months from the date of refusal before re-submitting an application for a licence to drive a hackney carriage and/or private hire vehicle.

8.158.16 Duration of licence

- a ~~In order for the Licensing Authority to review the conduct of new hackney carriage and/or private hire drivers, new~~ New hackney carriage and private hire driver licences are granted annually ~~for the first or for three years. After the initial three year period, on renewal, a licence may be granted for one or three years, depending on the case.~~ The Licensing Authority reserves the right to withhold issuing a three year licence where there are reasonable grounds to do so.

9 Hackney Carriage and Private Hire Driver's Licences, Vehicle Proprietor and Operators 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 All decisions on the suitability of an applicant or current licence holder may be made on the balance of probability; that is, absence of a conviction does not mean that an applicant or current licence holder will necessarily be granted a licence or have their licence renewed. Each case of whether an applicant or current licence holder is 'fit and proper' will be decided on its own merits and All decisions will be made in the interests of public safety.

9.3 An arrest and release, charge, conviction, caution, fixed penalty or community resolution must be disclosed and will be assessed under the character of applicant or current licence holder if deemed appropriate. Furthermore, the Licensing Authority may take into consideration conduct that has not resulted in any police investigation or criminal conviction.

9.3.4 Failure by an applicant or current licence holder to disclose an arrest, charge, conviction, caution, fixed penalty notice or community resolution that the Licensing Authority is subsequently advised of may be seen as behaviour that questions honesty and therefore the suitability of the applicant or current licence holder, regardless of the outcome of the initial investigation.

9.4.5 A person with a conviction or caution for certain crimes will not normally be permanently barred from obtaining a licence but is expected to remain free of conviction for between 5 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.

9.5.6 Winchester City Council reserves the right to extend the number of years free from conviction or caution depending on the severity and/or the number of offences.

9.7 Offences will not necessarily be disregarded on the basis that they are "spent" convictions according to the relevant provisions of the Rehabilitation of Offenders Act 1974. These provisions do not apply to hackney carriage

and private hire drivers but whether or not Winchester City Council considers that the safety of the public may be put at risk if a licence was granted.

9.69.8 The Council will not ordinarily be granted to any individual that appears on either the children or adult Barred List.

Offences resulting in Death

9.79.9 Where an applicant or current driver has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed or will have their current licence revoked.

Exploitation

9.89.10 Where an applicant or current driver has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed or will have their current licence revoked. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence

9.99.11 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Any current driver convicted of a violent offence can expect their licence to be revoked.

Possession of a weapon

9.109.12 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Sex and indecency offences

9.119.13 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. Any current driver convicted of this type of offence can expect their licence to be revoked.

9.129.14 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

9.139.15 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Drugs

9.149.16 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

9.159.17 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. Any current driver convicted of this type of offence can expect their licence to be revoked.

Discrimination

9.169.18 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Motoring convictions

9.19 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. or may not result in action against an existing licence. However, multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally. Each case will be considered on its own merits and decisions will be based on public safety.

9.179.20 Any motoring conviction during the period of licence demonstrates that the driver may not take their professional responsibilities seriously. It is accepted that offences can be committed unintentionally, and a single

occurrence of a minor traffic offence may not necessitate the revocation of a hackney carriage or private hire drivers licence provided that the Licensing Authority considers that the driver remains a fit and proper person to retain a licence. However, subsequent convictions reinforce the fact that the licence holder does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence. Each case will be considered on its own merits and decisions will be based on public safety.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

9.189.21 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. Any current driver convicted of this type of offence can expect their licence to be revoked.

9.199.22 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. Any current driver convicted of this type of offence can expect their licence to be revoked.

Other motoring offences

9.209.23 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has nine or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least three years have elapsed since the completion of any sentence or driving ban imposed.

9.219.24 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Hackney carriage and private hire offences

9.229.25 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use),

a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Vehicle use offences

9-239.26 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

9-249.27 Applications would not normally be approved from licensed drivers who had been convicted of an offence where the offence was carried out whilst the applicant was acting as a hackney carriage or private hire driver, or where commissioning of the offence related to the applicant's driver's licence.

9-259.28 The Licensing Authority 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.

9-269.29 An Authorised Officer may contact the Police for further information surrounding a conviction or caution and use this information when deciding whether an applicant is a "fit and proper person".

9-279.30 An Authorised Officer has delegated authority to issue hackney carriage and private hire drivers licences. In any case where ~~he or she~~they considers it appropriate, ~~he or she~~they 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.

9-289.31 The Licensing Authority 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 imposed, and should bear in mind the fact that the paramount consideration is the protection of the public.

9-299.32 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.

9.33 The Licensing Authority 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.

9.34 Where a hackney carriage and/or private hire drivers licence is revoked, or an application refused, the Council will consider whether it is appropriate to make a referral to the Disclosure and Barring Service (DBS) under the Safeguarding Vulnerable Groups Act 2006. This decision will be based on whether the licence holder or applicant has:

- harmed or poses a risk of harm to a child or vulnerable adult;
- satisfied the ‘harm test’ outlined by the DBS; or
- received a caution or conviction for a relevant offence; and
- has or might in the future be working in regulated activity.

If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a Barred List. This will enable other licensing authorities to consider this should further applications to other authorities be made.

9.35 Where a hackney carriage and/or private hire drivers licence is revoked, or an application refused, on public safety grounds, , the Council will consider whether it is appropriate to notify the police of the revocation or refusal.

9.309.36 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. Applicants, 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.

10 Enforcement and Compliance

10.1 Holders of hackney carriage and private hire drivers, vehicles and 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.

10.2 If operators, drivers or vehicle 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 immediate revocation or suspension of any licence, no further action,, penalty points being awarded, a formal warning or referral to the Licensing Sub-Committee and/or prosecution.

~~10.2~~10.3 The Council shall retain records of any complaints made with respect to Hackney Carriage and Private Hire Drivers, Vehicles and Private hire Operators. These records may be used in assessing a Licence Holder's fitness and propriety to hold a licence and may result in formal action taken against a licence where deemed appropriate.

~~10.3~~10.4 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.

~~10.4~~10.5 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.

~~10.5~~10.6 Any penalty points imposed remain on a person's licence holder's record for a 12 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.

~~10.6~~10.7 In the event that a driver/owner/operator licence holder commits an offence or breaches a condition as listed in the penalty points table below ~~he/she/they~~ may be awarded the number of points applicable to the circumstances as shown in the table for the breach/offence.

11 Issue of Penalty Points

11.1 -Breaches of conduct will be subject to investigation by Authorised Officers and may be ~~reported-referred~~ to the Licensing Sub-Committee for consideration. Penalty points may be issued by an Authorised Officer. Alternatively, the Licensing Sub-Committee can impose between 1 and 12

discretionary points as shown in the table. The penalty points table is to be used as a guide only, the Authorised Officer or Licensing Sub-Committee can depart from this table to award points for any offence or behaviour that is not covered.

- 11.2 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 to hold a licence. The Licensing Sub-Committee may then suspend a licence, revoke a licence, ~~or~~ issue a warning to the licence holder and/or require the licence holder to undertake additional training or assessments, ~~depending on the circumstances~~. The Licensing Manager will have the discretion to revoke or suspend any licence immediately following receipt of information regarding a serious ~~driving~~ incident that involves any licence holder.
- 11.3 Penalty points will remain current for 12 months from the date the penalty points are issued. Points issued to the proprietor of a vehicle, private hire operator or a driver will typically be confirmed in writing within 10 working days from the discovery of the contravention. This period may be extended in the event that the Licensing Authority requires more time to conduct their investigation, in which case the licence holder will be advised that the outcome of the investigation is pending.
- 11.4 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.
- 11.5 Any disputes regarding the issuing of penalty points will be referred to the Licensing Sub-Committee who will have the discretion to vary the points. However, in appealing to the Sub-Committee, drivers should be made aware that if the complaint is upheld, the Sub-Committee may decide to award more points than had been originally awarded.
- 11.6 Where a driver wishes to appeal the issue of penalty points to a Licensing Sub-Committee they must inform the Licensing Authority, in writing, within 21 days from the date of issue.
- 11.7 If points are issued to a proprietor/driver for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person(s) will not then be the subject of a prosecution by the Council.
- 11.8 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 Licensing Authority of change of address within 7 calendar days. | 3 | ✓ | ✓ |
| 3 | Refusal to accept hiring without reasonable cause e.g. 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 hold a current vehicle excise licence (road tax). | 9 | ✓ | ✓ |
| 7 | Using unlicensed vehicle or vehicle without relevant insurance cover. | 12 | | ✓ |
| 8 | Failure to produce relevant documents within timescale when requested by an authorised officer. | 4 | ✓ | ✓ |
| 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 requested by an authorised officer 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 | ✓ | ✓ |

| Offence/Breach of Condition | | Maximum Points Applicable | Driver | Vehicle Owner or Operator |
|-----------------------------|---|---------------------------|--------|---------------------------|
| 18 | Carrying an offensive weapon in the vehicle. | 12 | ✓ | |
| 19 | Failure to notify transfer of private hire or hackney carriage vehicle licence. | 4 | | ✓ |
| 20 | Unnecessarily idling of hackney carriage or private hire vehicle. | 3 | ✓ | |
| 21 | Displaying unsuitable or inappropriately sited signs or advertisements in the vehicle. | 3 | | ✓ |
| 22 | Failure to use authorised roof light. | 4 | ✓ | |
| 23 | Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day. | 4 | | ✓ |
| 24 | Failure to produce on request records of drivers work activity. | 4 | | ✓ |
| 25 | Using a non approved or non-calibrated taximeter. | 6 | ✓ | ✓ |
| 26 | Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle. | 12 | ✓ | ✓ |
| 27 | Displaying any feature on private hire vehicle that may suggest that it is a taxi. | 6 | | ✓ |
| 28 | Failure to carry an assistance dog without requisite exemption. | 12 | ✓ | ✓ |
| 29 | Driver not holding a current DVLA Licence. | 12 | ✓ | ✓ |
| 30 | Failure to wear driver's badge. | 4 | ✓ | |
| 31 | Failure to notify, in writing, a change in medical circumstances. | 6 | ✓ | ✓ |
| 32 | Unsatisfactory appearance of driver. | 3 | ✓ | |
| 33 | Failure to observe rank discipline. (hackney carriage) | 3 | ✓ | |
| 34 | Leaving an unattended hackney carriage on a taxi rank | 3 | ✓ | |
| 35 | Failure to maintain proper records of private hire vehicle. | 3 | | ✓ |
| 36 | Failure to keep or produce records of private hire bookings or other documents required to be kept or produced. | 6 | | ✓ |
| 37 | Misleading use of the words 'Taxi' or 'Cab' on advertising materials. | 3 | | ✓ |

| Offence/Breach of Condition | | Maximum Points Applicable | Driver | Vehicle Owner or Operator |
|-----------------------------|--|---------------------------|--------|---------------------------|
| 38 | Failure to issue receipt on request. | 1-12 | ✓ | ✓ |
| 39 | Failure to return vehicle licence plate within 7 days after due notice following revocation or suspension of such licence. | 4 | | ✓ |
| 40 | Unsatisfactory behaviour or conduct. | 1-12 | ✓ | ✓ |
| 41 | Failure to notify the Licensing Authority, in writing, of any motoring or criminal arrest, charge, convictions, caution, fixed penalty or community resolution within 7 days <u>48 hours</u> of conviction or cautions during period of current licence. | 6 | ✓ | ✓ |
| 42 | Failure to give assistance with loading/unloading. | 1-12 | ✓ | ✓ |
| 43 | Failure to display fare card. | 3 | ✓ | ✓ |
| 44 | Failure to carry legal spare wheel and tools, or suitable tyre reinflation device. | 4 | ✓ | ✓ |
| 45 | Failure to attend punctually at appointed time and place without sufficient cause. | 4 | ✓ | ✓ |
| 46 | A licensed vehicle with a bald tyre. | 4 per tyre | ✓ | ✓ |
| 47 | Failure to submit licence renewal application including documents and attendance at a vehicle inspection. | 6 | ✓ | ✓ |
| 48 | Failure to comply with any other conditions | 3 | ✓ | ✓ |
| 49 | Waiting or stopping on a double yellow line area, restricted parking, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle. | 3 | ✓ | |
| 50 | Use of hand held mobile device (eg mobile phone) whilst driving licensed vehicle | 6 | ✓ | |
| 51 | Smoking in licensed vehicle | 3 | ✓ | |
| 52 | Points awarded by Licensing Sub-Committee where matters referred to them for decision. | 4-12 | ✓ | ✓ |
| 53 | Private hire vehicles stopped or waiting on a taxi rank | 3 | ✓ | |

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/or 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 Licensing Authority” means the ~~licensing section~~ Licensing Department of Winchester City Council.

“the Operator” means the person(s) or company directors/partners whom the Council has granted the private hire operator’s licence under Section 55 of the Act.

“Winchester District” – the administrative area of Winchester City Council

“Winchester Town” - the Five Town Wards plus Oliver’s Battery & Badger Farm, and The Worthys.

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Hackney Carriage & Private Hire Drivers Conditions

These conditions are made under Section 51 Part II of the Local Government (Miscellaneous Provisions) Act 1976 by Winchester City Council in respect of Hackney Carriage and Private Hire Vehicle Drivers and the Town Police Clauses Act 1847.

The holder of a Hackney Carriage and/or Private Hire Vehicle Driver's licence must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any order or regulation made under this Act, and the requirements of any other Act of Parliament or orders, regulations or byelaws made under these Acts relating to the driving of motor vehicles.

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

Interpretation

In these conditions —

“Assistance Dogs” means as defined in [Section 37A\(9\) of the Disability Discrimination Act 1995](#).

“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 nine passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a Driver for the purpose of carrying passengers.

“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.

Drivers must be familiar with the conditions and apply them at all times and upon request make them known to any hirer.

General

1. The Driver’s badge shall be worn in such a position that it be clearly seen all the time ~~the~~ Driver is working.
2. The Driver’s badge remains the property of Winchester City Council and if the Driver’s licence is not renewed, or is otherwise revoked or suspended such badge shall be returned by the Driver together with the licence to the Council within seven days of a written notice or upon the demand of an Authorised Officer.
3. The ~~identity~~ Driver’s badge remains the property of Winchester City Council and in the event of loss or damage to this badge, which renders it unserviceable, the Licence Holder shall make application to the Council for a replacement badge to be issued for which a fee is payable. Loss or theft shall be reported to the Police and the Police reference number provided to the Council.
4. The Driver of a Hackney Carriage or Private Hire vehicle shall be fully acquainted with the topography of the district and, if requested to do so, satisfy the Council as to ~~their~~ his/her knowledge of the district.
5. The Driver shall immediately and in any case within ~~48 hours seven days~~ disclose to the Council in writing any ~~arrest, charge, convictions or caution~~ conviction, cautions, fixed penalty or community resolution, motoring or otherwise imposed upon ~~them~~ him/her during the period of the licence.
6. The Driver shall notify the Council in writing of any change of address during the period of licence prior to such change taking place and in any case within seven days of such change.
7. The Driver shall if requested by the hirer provide a written receipt for the fare paid. This shall include the Driver’s full name, Driver’s badge number, signature and date.
8. If, at any time, the Driver becomes aware of any medical condition which may affect ~~his/her~~ their fitness to drive licensed vehicles ~~he/she~~ they shall immediately give notice in writing to the Council and shall, if required, submit to an examination by a registered medical practitioner of the Council’s choice to ascertain ~~his/her~~ their fitness to be licensed. The cost of such examination shall be paid by the Driver.
9. The Driver of a Hackney Carriage or Private Hire vehicle where the Taximeter is used, shall be entitled to the fare fixed by the Council. The fare shall be calculated

by distance and shown on the Taximeter. The Driver shall not demand a higher fare than that shown on the Taximeter unless a fouling charge is applicable.

10. The Driver shall produce a valid certificate of insurance at the request of an Authorised Officer. Failure to do so may result in suspension of the Drivers licence.
11. Where the Driver has any safeguarding concerns they must report these immediately to the local Safeguarding Board or Police.

Conduct of Driver

12. The Driver of a Hackney Carriage or Private Hire vehicle shall drive to any destination by the shortest available route unless otherwise directed by the hirer.
13. The Driver shall at all times:-
 - (a) Provide a prompt, efficient and reliable service.
 - (b) Assist passengers with luggage, pushchairs and wheelchairs.
 - (c) Be clean and respectable in his/h~~er~~their dress and person and in a manner not to cause embarrassment to members of the public.
 - (d) Behave in a civil, courteous and orderly manner.
 - (e) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/h~~er~~them-
 - (f) Comply with any code of conduct the Council may have in force at any time he/sh~~e~~they are licensed by the Council.
14. The Driver shall at no time cause or permit the noise emitted by any radio or in car entertainment in the vehicle to be a source of nuisance or annoyance to any person, whether they are inside or outside the vehicle.
15. The Driver who has been hired to be at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and place.
16. The Driver shall when requested by any person hiring or seeking to hire the vehicle:-
 - (a) Convey a reasonable quantity of luggage.
 - (b) Afford reasonable assistance in loading and unloading.
 - (c) Afford reasonable assistance by removing the luggage to and from the entrance of any house, station or place at which the journey starts or finishes.

17. The Driver of a Hackney Carriage or Private Hire vehicle shall refrain from operating a radio or similar communications equipment to the annoyance of the hirer.
18. The Driver of a Hackney Carriage or Private Hire vehicle shall not smoke inside the vehicle at any time.
19. A Driver of a wheelchair ~~capable~~ accessible vehicle shall not refuse to take a wheelchair user when plying for hire or when instructed to do so by the Private Hire Operator, unless they have been granted an exemption letter by the Council.

Vehicle inspection

20. The Driver shall immediately after the end of any hiring of a licensed vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left in the vehicle.
21. Any property that is found or is given to the Driver having been left in a Hackney Carriage or Private Hire vehicle shall ~~deposit it at a Police Station within 24 hours, providing details of the finding.~~ be reported to the Council within 24 hours.
22. The Driver of a Hackney Carriage vehicle or Private Hire vehicle shall ensure that the vehicle is kept to a high standard of cleanliness at all times. In cases where the Driver is not the vehicle Licence Holder, ~~he/she~~ they shall report any mechanical or bodywork problems to the Licence Holder immediately.

Carrying of animals

23. The Driver of a Hackney Carriage or Private Hire vehicle shall not refuse to carry an assistance dog provided it is accompanied by a fare paying passenger, unless the Driver can produce a letter of exemption from the Council. No additional charge shall be made for the carriage of assistance dogs.
24. The Driver of a Hackney Carriage or Private Hire vehicle shall not convey in the vehicle any animals belonging to or in the custody of the Driver, the proprietor or operator of the vehicle unless they are accompanied by a fare paying passenger.
25. Any animal belonging to or in the custody of any fare paying passenger, which at the **Driver's discretion** may be carried in a Hackney Carriage or Private Hire vehicle, shall not be carried in the front of the vehicle and shall be kept under control at all times.

HACKNEY CARRIAGE DRIVERS ONLY

26. Every Driver of a Hackney Carriage for which ranks are fixed by any Byelaw shall when plying for hire in any street and not actually hired proceed with reasonable speed to one of the ranks, and;
 - (a) If the rank, at the time of arrival is occupied by the maximum number of vehicles authorised to occupy it, proceed to another rank.

- (b) On arriving at a rank not already occupied by the full-maximum number of vehicles authorised to occupy it, place the vehicle immediately behind the vehicle on the end so as to face in the same direction.
 - (c) When any other vehicle immediately in front is moved, move the vehicle forward so as to fill the place previously occupied.
27. The Driver of a Hackney Carriage shall when occupying any position on a rank shall remain with the vehicle ready to be hired at once.
28. The Driver of a Hackney Carriage provided with a Taximeter shall:-
- (a) When plying for hire, have the roof light illuminated.
 - (b) When hired or off duty, or in another Council district, ensure the roof light is not illuminated.
 - (c) Ensure the Taximeter is not activated until immediately prior to the journey starting.
 - (d) Ensure that the Taximeter is properly illuminated throughout any part of the hiring.
 - (e) Not tamper with or permit any person to tamper with any Taximeter in the vehicle.
29. The Driver shall clearly display the current Hackney Carriage fare chart.
30. The Driver of a Hackney Carriage plying for hire shall drive to any place within the Council district at the request of the hirer.
31. The Driver of a Hackney Carriage shall not, by calling out or otherwise, encourage any person to hire such carriage and shall not make use of the services of any other person for that purpose.

PRIVATE HIRE DRIVERS ONLY

32. The Driver shall not demand from the hirer of a Private Hire vehicle a fare in excess of any previously agreed for the hiring between the hirer and the Operator. If the vehicle is fitted with a Taximeter and the fare has not been agreed then the fare shall be that amount shown on the Taximeter.
33. Drivers of Private Hire vehicles shall not stop on or near an appointed Hackney Carriage rank at any time in circumstances which could give the impression that the vehicle is being used to ply for hire.

Appeals

34. The Licence Holder may appeal against the imposition of any of these conditions.
35. The Licence Holder/applicant may appeal against the refusal to grant or renew a licence, or the suspension or revocation of a licence.

36. Any appeal should be made to the Magistrates Court within 21 days of the refusal to grant or renew a licence, or the suspension or revocation of such a licence.



Hackney Carriage and Private Hire Vehicle Conditions

These conditions are made under section 47(1) Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The holder of a Hackney Carriage Vehicle Licence or Private Hire Vehicle Licence shall observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II and any orders or regulations made thereunder and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to motor vehicles.

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

Interpretation

In these conditions:-

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

“**External Licence Plate**” means the Hackney Carriage or Private Hire Vehicle Licence plate issued by the Council that is displayed on the outside rear of the Vehicle.

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

“**Internal Licence Plate**” means the Hackney Carriage or Private Hire Vehicle Licence plate issued by the Council that is displayed in the Vehicle on the windscreen.

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

“**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 the Local Government (Miscellaneous Provisions) Act 1976.

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

“**the Driver**” means the 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 or Private Hire Vehicle Licence.

“the Operator” means the person to whom the Council has granted the Private Hire Operator’s Licence to which these conditions apply. In the case of a partnership these conditions apply to each of the partners and in the case of a company to each of the company directors.

“the Vehicle” means the Hackney Carriage Vehicle or Private Hire Vehicle.

“the Policy” – means the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators.

The Licence Holder must be familiar with the conditions and apply them at all times and upon request make them known to any hirer.

Maintenance and appearance of vehicles

1. The Vehicle shall be maintained and serviced in accordance with the manufacturer’s recommendations.
2. The Vehicle and its fittings must at all times when it is available for hire or being used as a Hackney Carriage or Private Hire Vehicle be safe, clean and tidy. It shall comply with all relevant statutory requirements applicable to the class of vehicle to which the Vehicle belongs including the Motor Vehicle (Construction and Use) Regulations 1978.
3. The Vehicle shall be maintained throughout the term of the Hackney Carriage or Private Hire Vehicle licence, to a high standard of appearance to the complete satisfaction of an Authorised Officer.
4. Any vehicle presented shall be free from any significant areas of visible rusting, dents or scratches to include the following:-
 - (a) PAINT WORK. All panels on a vehicle should be in one matching colour.
 - (b) SEATS. In conventional saloon vehicles where it is intended that the licence should be for four passengers, the rear seat must be at least 50 inches (127cms) in width. All seats have a minimum leg room of 18 inches per passenger and in respect of seating comply with the Road Vehicles Registration and Licensing Regulations 1971. All seats shall be free from cuts, tears or cigarette burns.
 - (c) CARPETS /FLOOR COVERING. All carpets and floor coverings shall be complete and free from cuts, tears, burns or serious staining.
 - (d) HEADLINING AND OTHER TRIM. All interior trim including headlining, shall be clean, complete, properly fitted and free from serious, tears or major soiling.
 - (e) INTERIOR. The interior shall be kept clean, tidy, free from litter and water tight.

- (f) BOOT/ LUGGAGE COMPARTMENT. This shall be kept empty except for spare wheel ~~and~~ essential tools ~~and first aid kit~~. The compartment shall be clean, tidy and free of any litter or other rubbish. Any covering shall be free from major cuts, tears, staining or other damage ~~or staining~~.
- (g) WINDOWS. Vehicles with manufactured tinted glass may be licensed with no additional tinting. Applicants/licence holders may request window tinting on vehicles that have clear glass where they can provide exceptional reasons why it is required and it must be professionally applied.
- (h) WINDOW OPERATION. All passengers, except those occupying a middle seat, must be able to open adjacent windows without difficulty.

Mechanical Inspection

- 5. The Vehicle shall be mechanically inspected by the Council's nominated testing station no earlier than once month prior to a licence being issued.
- 6. The Vehicle shall not be used as a Hackney Carriage or Private Hire Vehicle unless there is a current mechanical inspection certificate and if applicable, an MOT certificate in force in respect of that vehicle, in addition to a current Hackney Carriage or Private Hire Vehicle licence being in force.

Emissions

- 7. Within the air quality management area in the City Centre, ~~the Drivers~~ shall minimise the running of vehicle engines when waiting for a passenger or plying for hire on a taxi rank.

Spare wheel

- 8. A spare wheel or tyre re-inflation device, as supplied by the manufacturer, must be maintained and kept in the Vehicle at all times. In the event of a puncture, The Driver shall secure alternative transport without delay to complete the journey.

Taximeters

- 9. The Taximeter in any new vehicle or any replacement Taximeter shall be of the calendar type which, when recalibrated cannot be altered by the Driver.
- 10. The Licence Holder shall notify the Council of any replacement Taximeters fitted to the Vehicle within seven days of such replacement.
- 11. The Taximeter should be maintained in good working order at all times and must be inspected calibrated and sealed by an approved taximeter agent ~~the Authorised Officer~~ prior to use.
- 12. Whenever the Hackney Carriage fares are amended, the Licence Holder shall ensure that the Taximeter is tested by an Authorised Officer within fourteen days of the change.

Contactless Payment Device

13. A contactless payment device shall be carried in the Vehicle at all times as prescribed in the Policy. Vehicles that are exempt under Section 75(3) of the Act are excluded from this condition.
14. The Licence Holder shall ensure that the contactless payment device is connected, maintained and working at all times to ensure customers are able to pay by by card/contactless.
15. The Driver must not charge an additional fee or minimum fare for passengers to pay by card/contactless.

Signs

16. The Vehicle must display a permanent sign on the front doors of the Vehicle (both sides) at all times as required in the Policy. The sign shall meet the specification as set out in the Policy. Vehicles that are exempt under Section 75(3) of the Act are excluded from this condition.
17. No signs, notices, plates, marks, letters figures, symbols, emblems or devices whatsoever (collectively referred to as 'sign') other than those mentioned in paragraph 17 below shall be displayed on in or from the Vehicle.
18. Signs permitted are:-
 - (a) registration number
 - (b) any sign required by law or Council policy
 - (c) the licence plate giving the licence number and the maximum number of passengers permanently fixed to the outside rear of the Vehicle
 - (d) any sign on a Taximeter indicating that the Vehicle is for hire
 - (d)(e) any sign indicating that the driver has completed a training or awareness course required by Council policy
 - (e)(f) For Hackney Carriages only, the roof sign referred to in paragraph 41 and 42 below
 - (f)(g) any sign indicating membership of a national motoring organisation
 - (g)(h) any sign approved by the Council to indicate that payment of fares may be made by credit/debit card/contactless payment
 - (h)(i) any sign provided by Hampshire County Council to show that the Vehicle is used for schools contracts
 - (i)(j) any other sign within the Vehicle must be approved in advance by an Authorised Officer

19. Any sign permitted must be positioned so as not to impede visibility.

Advertising

20. No advertising is permitted in or on the Vehicle without prior written approval from the Council. Approval will only be considered on receipt of a professional proof/draft of the advertisement.

21. Advertising must not be displayed on the windscreen or passenger windows.

22. Advertisements relating to tobacco, alcohol, gambling, sex, religion or politics will not be approved.

23. Advertisements must comply with the Advertising Standards Authority.

24. All advertising must be completed to a professional standard and quality, to the satisfaction of an Authorised Officer.

Licence Plates

25. The Internal Licence Plate shall be displayed on the front nearside of the windscreen, or in the case of vehicles that have a partition, displayed on this partition.

26. The External Licence Plate shall be permanently affixed and displayed on the rear of the Vehicle to the satisfaction of an Authorised Officer.

27. The Council shall be informed immediately should the Internal or External Licence Plate be broken, lost or defaced. On no account shall a vehicle be used as a Hackney Carriage or Private Hire Vehicle without a plate (with the exception of those detailed in condition 29).

28. The Internal or External Licence Plate shall be returned to the Council by the Licence Holder if, for any reason, the Vehicle is not available for hire for a period of more than fourteen days without the consent of the Council, in advance.

29. Vehicles that are exempt under Section 75(3) of the Act are not required to display Internal and External Licence Plates but must display the Plate Exemption Card in the windscreen at all times.

Towing Of Trailers

~~25-30.~~ No Hackney Carriage or Private Hire Vehicle shall tow a trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to an Authorised Officer. The External Licence Plate shall be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the Vehicle.

~~26-31.~~ Any trailer used must comply with all relevant regulations.

Mechanical Breakdown

~~27-32~~. In cases where the Driver has fully complied with the service requirements, if the Vehicle becomes unfit to complete a hiring:-

- (a) The Driver shall be entitled to demand the fare for the distance already covered.
- (b) The Driver shall secure alternative transport without delay to complete the journey if the hirer so wishes.
- (c) If the Vehicle is repaired and completes the hiring the Driver shall be entitled to the full fare with the exception of any time that the Driver was waiting for the repair to be carried out.
- (d) Any such incident shall be reported to an Authorised Officer within seven days.

Vehicle Checks

~~28-33~~. Any Vehicle which in the opinion of an Authorised Officer does not comply with any legislation, bye-laws or conditions may be inspected by an Authorised Officer at any time to ensure its fitness to be used as a Hackney Carriage or Private Hire Vehicle.

Insurance

~~29-34~~. The licence holder shall produce to the Council a valid certificate of insurance within seven days of the insurance cover being amended or renewed or any change of insurer during the course of the licence, or any change of additional drivers.

~~30-35~~. A copy of the current insurance certificate or insurance cover note shall be carried in the Vehicle at all times.

Dual Plating

~~31-36~~. No vehicle shall be licensed if it is also licensed in another district.

Navigation

~~32-37~~. The Licence Holder shall ensure that the Vehicle is equipped with an indexed street map of the Winchester City Council district at all times. Vehicles that carry a satellite navigation system must also comply with this condition.

Luggage

~~33-38~~. All luggage shall be carried in the luggage area and may only be carried in the seating area if it is safely secured and with the consent of the passengers.

Transfer of vehicle

~~34.39.~~ In the event that the Licence Holder of a Hackney Carriage or Private Hire Vehicle transfers ~~his/her~~their interest in that vehicle to a person other than one of those named on the licence, ~~he/she~~they shall within seven days of the transfer, give notice in writing to the Council specifying the name, address and Hackney Carriage and/or Private Hire Driver licence number of the person to whom the Vehicle has been transferred.

Driver

~~35.40.~~ The Licence Holder shall notify the Council in writing of the names, addresses and licence numbers of drivers of the Vehicle and shall produce evidence of fully comprehensive insurance for each driver.

Change of Address

~~36.41.~~ The Vehicle Licence Holder shall inform the Council of any change of address within seven days of such change.

Convictions

~~37.42.~~ The Licence Holder shall, within ~~48 hours, seven days~~ disclose to the Council in writing any arrest, charge, convictions, or cautions, fixed penalty or community resolution ~~motoring or otherwise~~ imposed upon ~~them~~ him/her during the period of the licence (or, if a company or partnership, of any of the directors or partners).

Replacement Vehicles

~~38.43.~~ A replacement vehicle must comply with these conditions, other than the requirements to display permanent door signs and ~~the~~ Winchester City Council logo on the roof sign.

HACKNEY CARRIAGE VEHICLES ONLY

Fare Chart

~~39.44.~~ A copy of the current fare chart shall be clearly displayed within the Vehicle at all times, where it may be seen by any passenger.

Roof Signs

~~40.45.~~ Other than a purpose built vehicle that has a 'taxi' light/sign integrated into the Vehicle, the roof sign must carry the word "TAXI" in black font on a white background, on the front and rear, together with the Winchester City Council logo on the front. The roof sign shall be installed in a central position across the width of the roof.

~~41.46.~~ The roof sign shall be connected to the Taximeter and shall be illuminated at all times while the Vehicle is plying for hire. The light shall at all times comply with the requirements of vehicle lighting regulations when illuminated.

Wheelchair Users

47. This section is applicable to vehicles which are required to comply with the conditions of fitness as prescribed by the Equality Act 2010.

- (a) There shall be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn and to safely access or exit the Vehicle.
- (b) There shall be sufficient space for a wheelchair to be safely secured facing forward or rearward. No wheelchair shall be carried facing sideways.
- (c) There shall be separate means of securing the chair and the wheelchair user.
- (d) Wheelchair ramps shall be carried in the Vehicle at all times.
- (e) Passengers in wheelchairs shall enter the Vehicle from the side adjacent to the pavement or rear when the Vehicle is plying for hire on an authorised rank.
- (f) A Vehicle designed or adapted to carry wheelchairs shall display a minimum of two signs indicating that it is capable of carrying wheelchair users.
- (g) Any swivel seat fitted must meet the requirements of the Equality Act 2010.

PRIVATE HIRE VEHICLES ONLY

Signs

42.48. Private Hire Vehicles shall have a sign advertising the name of the Operator on the rear doors on both sides of the Vehicle, ~~which, in addition to the name of the company shall include the words 'Advance booking only', 'Pre-booked only' or 'No booking no ride'.~~ Vehicles that are exempt under Section 75(3) of the Act are excluded from this condition.

43.49. Private Hire Vehicles are not permitted to display roof signs.

44.50. Private Hire Vehicles shall not display any advertisement that includes the words 'taxi', 'cab' or words of a similar meaning.

Advertising

45.51. Approval will not be given to advertise on Private Hire Vehicles that are exempt from the requirement to display the Licence Plates.

46.52. Advertising must not be displayed on the same panel of the Vehicle as the Operator sign as in 48 above.

Hackney Carriage ranks

~~47.~~53. Drivers of Private Hire Vehicles shall not stop on or near an appointed Hackney Carriage rank at any time in circumstances which could give the impression that the vehicle is being used to ply for hire.

Plate Exemption

~~54.~~ Vehicles that are exempt from the requirement to display the Licence Plates must keep a copy of the letter of exemption in the vehicle at all times. This letter must be produced upon request.

~~48.~~55. An exemption card, issued by the Licensing Authority, must also be displayed in the windscreen at all times that the Vehicle is being used for private hire work, to the satisfaction of an Authorised Officer.

Appeals

~~49.~~56. The Licence Holder may appeal against the imposition of any of these conditions.

~~50.~~57. The Licence Holder/applicant may appeal against the refusal to grant or renew a licence, and suspension or revocation of a licence, except where the suspension relates to the safety of the vehicle.

~~51.~~58. Any appeal should be made to the Magistrates Court within 21 days of the refusal to grant or renew, or the suspension or revocation of such licence.

~~52.~~59. In the case of refusal to grant a Hackney Vehicle licence, the appeal should be made to the Crown Court.

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Private Hire Operator's Licence Conditions

These conditions are made under section 55(3) Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The holder of a Private Hire ~~Vehicle~~ Operator's licence shall observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to the operation of the motor vehicles.

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

Interpretation

In these conditions

“**Assistance Dogs**” means as defined in Section 37A(92) of the Disability Discrimination Act 1995.

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

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

“**the Act**” means Local Government (Miscellaneous Provisions) Act 1976.

“**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 Operator**” means the person to whom the Council has granted the Private Hire Operator's Licence to which these conditions apply. In the case of a partnership these conditions apply to each of the partners and in the case of a company to each of the company directors.

The Operator shall be familiar with the conditions and apply them at all times.

1. Any vehicle employed or used by the Operator shall be licensed by Winchester City Council before it is used as a private hire vehicle.
2. Any premises at which the licence holder operates **must** be in the Winchester district and the address provided to the Council. If an operator does not have premises, all provision for inviting and the acceptance of bookings must be undertaken in the Winchester district and the operator shall provide evidential records to show this.
3. The Operator must ensure that a basic DBS certificate is provided to the Licensing Authority for each member of staff who will make the provision for bookings on their behalf, prior to their employment.

Records to be kept by the Operator

4. The records required to be kept by the Operator under Section 56(2) and (3) of the Act shall be kept in a book, electronic file or other form approved by the Council, and produce on request to an Authorised Officer for examination.
5. The Operator shall record before the commencement of each journey, the following particulars of every booking of a private hire vehicle –invited and/or accepted:-
 - a) the name and pick up point of the hirer;
 - ~~a)~~ b) the pick up point;
 - ~~b)~~ c) the time and date of the booking;
 - d) the time and date of the pick up; ~~and~~
 - ~~e)~~ e) the registration number and call sign of the vehicle used;
 - ~~e)~~ f) the name and licence badge number of the Driver dispatched
 - g) how the booking was made (i.e. by telephone, personal call, etc);
 - h) the name of any individual that responded to the booking request;
 - ~~e)~~ i) the name of any individual that dispatched the vehicle
 - ~~f)~~ j) the destination;
 - ~~g)~~ k) fare quoted or to be charged by the meter and in either case to include call out or return fee
 - ~~h)~~ l) the exact location of where the acceptance of booking was taken (where the operator does not invite or accept bookings from a fixed premises)
6. The Operator shall keep copies of all hackney carriage and private hire driver and vehicle licences operated.
7. The Operator must inform the Council of the names and licence badge number of all drivers operated by them ~~him/her~~ within 7 days of the arrangement.
8. The Operator shall keep a record of all vehicles, their registration number and their call signs.
9. The Operator shall keep a register of names and addresses of all staff members responsible for taking bookings and/or dispatching vehicles. This register shall be kept for at least 12 months.

10. The Operator shall ensure that all staff members responsible for taking bookings and/or dispatching vehicles provide them with a basic Disclosure and Barring Service (DBS) certificate prior to the start of employment. The date on which this certificate was seen by the Operator must be recorded on the register of names specified in condition 9. Should the staff member cease to be on the register and later re-entered, a new basic Disclosure and Barring Service (DBS) certificate should be requested and sight of this recorded as above.

~~8.11.~~ The Operator shall ensure that any employment contract, signed by a staff member responsible for taking bookings and/or dispatching vehicles, includes the requirement for that staff member to advise the Operator of any convictions while they are employed in this role.

~~9.12.~~ The Operator shall keep a copy of the letter of exemption issued by the Council of all private hire vehicles that are exempt from displaying a licence plate.

~~10.~~ The Operator shall keep all records for a period of at least 12 months following the date of the last entry.

13. If the telephone number of the operating company is diverted to a person outside of the operating premises at any time, that person must record all bookings as in ~~5~~ 3 above. These records must be added to the full record within 48 hours.

14. In the event that the Operator outsources booking and dispatch functions to another company or organisation, the Operator shall retain a copy of that company or organisation's policy on protecting children and vulnerable adults.

~~11.15.~~ The Operator shall keep all records for a period of at least 12 months following the date of the last entry.

Standard of service

~~12.16.~~ The Operator shall provide a prompt, efficient and reliable service to the public at all reasonable times, in particular shall ensure that the hirer is aware of the fare for the journey, or whether it is to be metered and in either case to include any call out or return fee.

~~13.17.~~ The Operator shall ensure that when a private hire vehicle has been booked the Driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause.

~~14.18.~~ Any premises to which the public have access, whether for the purpose of booking or waiting, the Operator shall keep clean, adequately heated, ventilated and lit premises which the Operator provides.

~~15.19.~~ The Operator shall notify the customer if their booking is to be sub-contracted to another Private Hire Operator and provide the sub-contracted Operator's name and telephone number to the customer.

Fares

~~16-20.~~ If a minimum fare is to be charged, the Operator shall ensure that each customer is informed at the time of booking. If no fare is quoted, the meter shall be used to calculate the fare and the Driver shall not demand more than the fare shown on the meter. The meter shall not be started until the customer is seated in the vehicle.

Provisions regulating signs on vehicles

~~17-21.~~ The Operator shall ensure that any licensed private hire vehicle shall not display any advertisement that includes the words 'taxi', 'cab' or words of a similar meaning.

Conduct of the Operator

~~18-22.~~ The Operator shall ~~immediately upon receipt~~ notify the Council in writing of any complaints ~~received~~ concerning the conduct of a driver or the cleanliness/condition of a vehicle ~~within 48 hours of receiving such a complaint.~~

~~23.~~ The Operator shall ensure that they comply with their own complaints procedure ~~(as required by the Policy)~~. Any changes to the complaints procedure must be provided in writing to the Licensing Authority within seven days ~~of such change~~.

~~24.~~ The Operator shall ensure that they produce a policy on employing ex-offenders in roles where taking bookings and/or dispatching vehicles are part of the role.

~~25.~~ The Operator shall ensure that they comply with their own policy on employing ex-offenders (as required by the Policy). Any changes to this policy must be provided in writing to the Licensing Authority within seven days of such change.

~~19-26.~~ Where the Licence Holder is a company or partnership, the Operator shall notify the Council in writing of any change of director or partner within seven days of such change.

~~20-27.~~ No Operator shall change the operating address without prior agreement in writing from the Council.

~~21-28.~~ The Operator shall notify the Council in writing of any change of operating address during the period of the licence within seven days of such change.

~~22-29.~~ The Operator shall provide details to the Council in writing within ~~48 hours seven days~~ of the date of any caution or conviction ~~he/she they~~ receives.

~~30.~~ The Operator may only sub-contract any accepted booking to another licensed private hire operator.

~~31.~~ The Operator must not carry out a booking by using a PCV licensed driver and a public service vehicle (PSV), such as a minibus, without the informed consent of the hirer.

23-32. Where a private hire vehicle is unsuitable for a booking, for example where a larger vehicle is needed for more than eight passengers or extra luggage, the Operator shall ensure that the hirer is informed that a public service vehicle (PSV) is necessary and that any PCV licensed driver will not have been subject to the same checks (i.e. enhanced DBS check) as a private hire driver.

24-33. The Operator shall not refuse any booking made for carrying wheelchair users without reasonable cause and shall ensure that each of these bookings is carried out.

25-34. The Operator shall not refuse any booking nor apply any additional charge for carrying Assistance Dogs without reasonable cause and shall ensure that each of these bookings is carried out.

Appeals

26-35. The Operator may appeal against the imposition of any of these conditions.

27-36. The Operator/applicant may appeal against the refusal to grant or renew a licence, or the suspension or revocation of a licence.

28-37. Any appeal should be made to the Magistrates Court within 21 days of the refusal to grant or renew a licence, or the suspension or revocation of such a licence.

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Consideration of Department for Transport's Statutory Taxi and Private Hire Vehicle Standards

Background

The Department for Transport published its Statutory Taxi and Private Hire Vehicle Standards' in July 2020, with the document focusing on establishing common core minimum standards across the taxi and private hire sector and aiming to protect children and vulnerable adults.

The Department for Transport expects all licensing authorities to implement these recommendations unless there are compelling local reasons not to.

The standards in the document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in the more recently published document take precedence.

The Department for Transport states that, in the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.

Consideration of Recommendations

This document includes the recommendations contained in the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards, accompanied by an explanatory note detailing how Winchester City Council shall have regard to each recommendation and any action required.

Licensing Policies

3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.

The Council's Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Drivers, Vehicles and Private Hire Operators currently details all of the above, and will continue to do so on review.

3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. Licensing authorities

should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.

PROPOSAL: Commitment to reviewing the Statement of Licensing Policy at least every five years, with provision made for interim reviews where necessary. This commitment will be documented in the policy itself.

Duration of licences

3.7 *The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.*

The Council currently offers applicants for hackney carriage and private hire drivers licence with the option of either a 1 year or 3 year licence, and applicants for a private hire operator licence with the option of either a 1 year or 5 year licence.

Whistleblowing

3.8 *It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.*

The Council has an effective internal procedure in place for staff to raise concerns, with details made available to staff via the organisation's intranet and HR Department.

Consultation at the local level

3.12 *Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women's groups, local traders, and the local multi-*

agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy's activities.

The Council has reviewed its list of consultees for policy reviews to ensure that, wherever possible, any group of individuals that may be affected by the proposals are consulted on them and given opportunity to comment.

3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change. Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

The Council has reviewed its list of consultees for policy reviews to include all neighbouring licensing authorities. It will be requested that details of the proposals and how to comment on them are passed to that authority's hackney carriage and private hire drivers, vehicle proprietors and private hire operators where resources allow. A representative from the licensing authority also attends a quarterly Hampshire-wide liaison meeting and will draw members' attention to any consultations.

Changing licensing policy and requirements

3.14 Any changes in licensing requirements should be followed by a review of the licences already issued. If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.

The Council does, and shall continue to, review current licences in the light of any changes to licensing policy or conditions. Wherever possible, licence holders will be given a reasonable time period to achieve compliance (for example, a deadline given to attend a training course) and this is communicated promptly and clearly.

3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and

compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

The Council does, and shall continue to, review current licences in the light of any changes to licensing policy or conditions. For example, in circumstances where the Council's policy on criminal convictions is reviewed, officers would review any current licences likely to be affected and make a decision on a case-by-case basis.

The Disclosure and Barring Service

4.4 *It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.*

The Council does not, and will not, require an applicant or current licence holder to exercise their own 'right of access' to personal data in order to obtain information about convictions or cautions. Data obtained in relation to convictions or cautions will be obtained via the DBS or through Common Law Police Disclosure.

The Disclosure and Barring Service Update Service

4.5 *Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.*

PROPOSAL: Mandatory requirement for all licensed hackney carriage and/or private hire drivers to sign up, and maintain a subscription, to the DBS Update Service. This will enable the Council to conduct status checks with minimal administrative burden to both the licence holder and the Council.

Common Law Police Disclosure

4.11 *This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies.*

Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.

The Council shall continue to maintain positive relationships with the police to ensure that information relevant to hackney carriage and/or private hire drivers, vehicles and private hire operators is shared. The Council has an information sharing agreement in place with Hampshire Constabulary to facilitate this.

Licensee self-reporting

4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

The Council's Hackney Carriage and Private Hire Driver Conditions currently require licence holders to disclose to the Council in writing, within 7 days, any conviction or caution imposed on them during the period of licence.

PROPOSAL: Amend Hackney Carriage and Private Hire Driver Conditions to require licence holders to disclose to the Council in writing, within 48 hours, any arrest, charge, conviction, caution, fixed penalty notice or community resolution imposed on them during the period of licence.

The Council's Statement of Licensing Policy currently specifies the following as an offence for which up to 6 local authority penalty points can be applied to a hackney carriage or private hire driver's licence: *Failure to notify the Licensing Authority, in writing, or any motoring or criminal conviction or caution within 7 days during period of licence.*

PROPOSAL: Amend Statement of Licensing Policy to specify the following as an offence for which up to 6 local authority penalty points can be applied to a hackney carriage or private hire driver's licence: *Failure to notify the Licensing Authority, in writing, of any arrest, charge, conviction, caution, fixed penalty notice or community resolution within 48 hours during period of licence.*

4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that

questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

PROPOSAL: Inclusion of additional paragraph in Statement of Licensing Policy to confirm that failure by any applicant or current licence holder to disclose an arrest, charge, conviction, caution, fixed penalty notice or community resolution, that the licensing authority is subsequently advised of, may be seen as behaviour that questions honesty and therefore the suitability of the applicant or current licence holder.

Referrals to the Disclosure and Barring Service and Police

4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the DBS.

4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;*
- an individual has satisfied the 'harm test' ; or*
- received a caution or conviction for a relevant offence and;*
- the person they are referring is, has or might in future be working in regulated activity;*

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is available.

PROPOSAL: Inclusion of additional paragraph in Statement of Licensing Policy to require the Council to consider whether it is appropriate to make a referral to the DBS where a hackney carriage and/or private hire drivers licence is revoked, or an application refused.

Working with the Police

4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing

*authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.*

The Council shall continue to maintain positive relationships with the police to ensure that information relevant to hackney carriage and/or private hire drivers, vehicles and private hire operators is shared. The Council has an information sharing agreement in place with Hampshire Constabulary to facilitate this.

4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

PROPOSAL: Inclusion of additional paragraph in Statement of Licensing Policy to require the Council to consider whether it is appropriate to notify the police where a hackney carriage and/or private hire driver's licence is revoked, or an application refused, if done so on public safety grounds.

Sharing licensing information with other licensing authorities

*4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.*

The Council currently requires all applicants and current licence holders to disclose if they hold or have previously held a licence with another authority, and to disclose if they have any an application for a licence refused or a licence revoked by another licensing authority.

PROPOSAL: Include the requirement for all applicants and current licence holders to disclose if they have a licence suspended by another licensing authority, in addition to the above requirements.

4.21 *The LGA's Councillors' Handbook on taxi and private hire vehicle licensing advises that those responsible for licensing should "communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities."* While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

A representative from the licensing authority already attends a quarterly Hampshire-wide liaison meeting between licensing authorities. This group has an information sharing agreement in place between authorities with regards to the sharing of critical information relevant to decision-making.

The Council is in the process of signing up to the National Anti-Fraud Network (NR3) and intends to utilise this to inform decision-making.

PROPOSAL: Include a statement in the policy confirming that information stored on the National Anti-Fraud Network (NR3) may be used to inform the licensing authority's decision on whether an applicant or current licence holder is 'fit and proper' to hold a licence.

4.22 *For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.*

The Council already keeps a record of all decisions made to refuse, suspend or revoke a licence, with documented reasoning. An internal review will be undertaken to ensure that this data is stored in that accessible format that can be easily shared if required.

4.23 *Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published*

guidance to assist organisations to fully understand their obligations and suggest good practice.

The Council will have regard to the guidance published by The Information Commissioner's Office and obtain advice from the Council's Data Protection Officer where required.

4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.

The Council obtain advice from the Council's Data Protection Officer where required in relation to disclosing information to other licensing authorities.

The Council already considers all applications on their own merits and will request reasons for refusal, suspension and revocation by another licensing authority to ensure that it makes an informed decision about the applicant or licence holder's fitness and propriety to hold a licence.

4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

The Council currently requires all applicants and current licence holders to disclose if they hold or have previously held a licence with another authority, and to disclose if they have any an application for a licence refused or a licence revoked by another licensing authority.

Where the above information is not disclosed and subsequently obtained through other means (i.e. NR3 database), the Council will consider the case on its own merits and determine whether failure to disclose the information affects the applicant or current licence holder's fitness and propriety to hold a licence.

Multi-agency Safeguarding Hub (MASH)

4.28 *All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.*

Discussions are ongoing between the Council and other agencies (i.e. Hampshire County Council's Safeguarding Unit) to determine how we may better communicate and share information relevant to the protection of children and vulnerable adults when using taxis and private hire vehicles.

Complaints against licensees

4.29 *Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.*

The Council has a suitable system in place for recording complaints against licensed licensees, including where complaints are made against drivers or vehicles from other licensing authorities and subsequently referred on. The system can be searched for key information such as holder holders' names, licence numbers and vehicle details to establish whether a trend is emerging and whether further action is required.

4.30 *Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.*

The Council regularly reviews its complaints data and will contact a licensee where there is cause for concern regarding repeat complaints. Licensees may be issued with a formal warning, penalty points, a licence suspension pending completion of

further training, or referral to the Licensing Sub-Committee for consideration of how to deal with the matter.

4.31 *To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.*

The Council currently provides an online form on its website for customers to provide feedback about a driver, vehicle or operator.

PROPOSAL: To amend the policy and vehicle conditions to mandate the display of this information in all licensed vehicles, in a format and style prescribed by the Council. This signage will include the vehicle licence number, contact details for the licensing authority and a QR code that, upon scanning with a smartphone or similar device, directs the customer to the online feedback form.

SAMPLE:



4.23 *Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on*

how to complain and take appropriate sanctions against those that do not comply with this requirement.

All vehicle proprietors will be issued with the relevant information to be displayed in their vehicle, in the form of an easily-applied adhesive sign.

As the proposal to amend the policy and conditions will include the mandatory requirement to display this information in all licensed vehicles, the Council may suspend a vehicle licence in the event that a vehicle is found to be on contravention of this condition.

Overseas convictions

4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more

4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).

4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document ([Annex = Assessment of previous convictions](#)), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

The Council currently requires applicants to provide a Certificate of Good Character from an overseas country, where they have not lived in the UK for more than 10 years.

PROPOSAL: To amend the policy to require an applicant to submit a Certificate of Good Character where they have spent an extended period (six or more continuous months) outside the UK. Where the time spent outside the UK was prior to the

applicant turning 18 years old, this may not be required but will be considered on a case-by-case basis.

Administration of the licensing framework

- 5.1 *A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.*
- 5.2 *Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.*

The Council's Constitution and Scheme of Delegation details the individuals and relevant committees responsible for making decisions in relation to the determination of licence applications, reviews, renewals and attachment of conditions.

Ensuring that those with decision-making authority do not take annual leave or similar at the same time is considered when arranging staffing.

Training decision makers

- 5.3 ***All individuals that determine whether a licence is issued should be required to undertake sufficient training.*** *As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.*
- 5.4 *Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:*

- *policies should be used as internal guidance, and should be supported by a member/officer code of conduct.*
- *any implications of the Human Rights Act should be considered.*
- *the rules of natural justice should be observed.*
- *decisions must be reasonable and proportionate.*
- *where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.*
- *decision makers must avoid bias (or even the appearance of bias) and predetermination.*
- *data protection legislation.*

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The Council provides annual training to members of both its Licensing and Regulation Committee and Licensing Sub-Committee. Those who have sat on these committees for some years are required to undertake refresher training. Members who have not undertaken training are not permitted to sit on the relevant committees until they have done so.

The Council currently provides training with David Lucas of Lucas Licensing Limited. Mr Lucas is a trustee and regional chairman of the Institute of Licensing. The training provided covers all aspects of decision-making, including reference to legislation, case law and local policy.

The Council has provision at all committees for members to declare an interest, be it financial or personal, in the case being considered and they are encouraged to do so at the earliest opportunity.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

The Council has a Licensing and Regulation Committee for consideration of matters relating to policy and procedure. The Council also has a Licensing Sub-Committee,

with members drawn from the aforementioned larger committee and suitably trained in making decisions relevant to specific applications or licences.

Less contentious matters are frequently delegated to suitably trained and authorised council officers via the Council's Scheme of Delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.*
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.*

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

Provision is made in the Council's Enforcement Policy for matters to be referred to a panel of officers, where the Council is considering whether to prosecute an individual or business. The panel would be made up of individuals not involved with

the case being determined, but rather individuals from other departments who have experience and training in enforcement matters. This option is rarely used but is available.

Fit and proper test

5.12 *Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:*

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

5.13 *If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.*

The Council considers the above question when making decisions on applications and current licences. Members of Sub-Committees are also asked this question when determining the outcome of applications or current licences.

PROPOSAL: Addition of statement in the policy confirming that decisions on the suitability of an applicant or licence holder may be made on the balance of probability; that is, absence of a conviction does not mean that an applicant or current licence holder will necessarily be granted a licence or have their licence renewed.

5.14 *Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.*

It is understood that decisions need not be made on criminal convictions alone; other conduct may be taken into consideration and all cases must be considered on their own merits. This is clarified in the policy.

Criminal convictions and rehabilitation

5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licensed regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

The Council's policy includes the 'Hackney Carriage and Private Hire Driver's Licences and Operators Criminal Convictions Policy', which details the minimum number of years free of conviction that the Council expects prior to granting a licence. It also includes a list of which offences would prevent an applicant from being licensed regardless of the period elapsed, in all but truly exceptional circumstances. The policy aims to achieve consistency in considering applications where the applicant has a conviction.

These minimum periods are not a 'hard and fast' rule and may be varied on a case-by-case basis, often by referring the application to the Licensing Sub-Committee for consideration of whether the policy should be departed from.

5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions ([Annex – Assessment of previous convictions](#)). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.

The Council's current 'Hackney Carriage and Private Hire Driver's Licences and Operators Criminal Convictions Policy' is based on the Institute of Licensing's guidance on determining the suitability of taxi and private hire vehicle licensees. There is no proposal to amend this, as it is considered of high standard and has been adopted by many other licensing authorities around the country to achieve consistency.

5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that

they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

These minimum periods are not a 'hard and fast' rule and may be varied on a case-by-case basis, often by referring the application to the Licensing Sub-Committee for consideration of whether the policy should be departed from.

Criminality checks for drivers

6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 survey of taxi and private hire vehicle licensing authorities shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.

The Council currently requires an enhanced Disclosure and Barring Service (DBS) check from all applicants for a new hackney carriage or private hire driver on application, and every three years thereafter.

6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.

The Council currently requires both the children and adult Barred Lists to be checked in addition to the enhanced DBS check.

PROPOSAL: Addition of statement in policy to confirm that checks of the children and adult Barred Lists must be undertaken in addition to the enhanced DBS check. This is for clarity only; the Council already does this.

PROPOSAL: Amend policy to mandate the requirement for all hackney carriage and private hire drivers to be signed up to the DBS Update Service, and give consent to the licensing authority checking the status of their DBS at least every six months. Those who fail to sign up to the DBS Update Service shall be subject to six-monthly enhanced DBS checks, complete with checks of the Barred Lists.

PROPOSAL: Amend policy to require hackney carriage and private hire drivers to obtain a new enhanced DBS check, complete with checks of the Barred Lists, where the DBS Update Service indicates that there have been changes to their record.

6.3 *Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list. Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.*

The Council's policy states that authorised officers will review any convictions and other relevant information disclosed, including whether the individual is on the Barred List(s), in determining whether they are fit and proper to hold a licence.

PROPOSAL: Addition of statement in the policy to confirm that a licence will not ordinarily be granted to any individual that appears on either Barred List.

6.4 *Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the Safeguarding Vulnerable Groups Act 2006. It is an offence to knowingly allow a barred individual to work in regulated activity. The guidance on home-to-school travel and transport issued by the Department for Education should be considered alongside this document. Please see guidance on driver DBS eligibility and how to apply.*

The Council will continue to liaise with Hampshire County Council's 'Home to School Transport' Department to ensure that where an individual that appears on either Barred List is granted a licence, this is communicated to ensure that that the individual is not offered a contract for regulated activity.

Safeguarding awareness

6.5 *Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.*

6.6 *All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police*

and other agencies. These programmes have been developed to help drivers and operators:

- *provide a safe and suitable service to vulnerable passengers of all ages;*
- *recognise what makes a person vulnerable; and*
- *understand how to respond, including how to report safeguarding concerns and where to get advice.*

The Council currently requires all hackney carriage and private hire drivers and private hire operators to undertake classroom-based safeguarding awareness training with the Blue Lamp Trust prior to granting a licence. The course aims to provide Hackney Carriage and Private Hire drivers with a knowledge and understanding of Safeguarding, their responsibilities and best practice protocols. The training content covers all of the above and more.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – ‘Together, we can tackle child abuse’ which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its online toolkit, for local authorities, charities and organisations for use on their social media channels.

The Council utilises a regular e-newsletter to the taxi and private hire trade, and its website, to communicate key information. These channels can be, and will be, utilised to signpost licence holders to the Department for Education’s campaign and other useful safeguarding resources.

The Council proposes to develop a small leaflet or information card to provide to all licence holders, designed to be easily stored in a glove compartment or similar. This will act as an aide memoire for drivers regarding how to identify and report safeguarding concerns.

‘County lines’ exploitation

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- *Children and young people travelling in taxis or private hire vehicles alone;*
- *travelling at unusual hours (during school time, early in the morning or late at night);*
- *travelling long distances;*
- *unfamiliar with the local area or do not have a local accent;*
- *paying for journeys in cash or prepaid.*

The Council currently requires all hackney carriage and private hire drivers and private hire operators to undertake classroom-based safeguarding awareness training with the Blue Lamp Trust prior to granting a licence. The course aims to provide Hackney Carriage and Private Hire drivers with a knowledge and understanding of Safeguarding, their responsibilities and best practice protocols. The training content covers the subject of criminal exploitation, including county lines.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided material to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

The Council utilises a regular e-newsletter to the taxi and private hire trade, and its website, to communicate key information. These channels can be, and will be, utilised to signpost licence holders to the Home Office material to help taxi and private hire vehicle staff to identify victims and report concerns.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;*
- call Crime Stoppers on 0800 555 111.*

The Council proposes to develop a small leaflet or information card to provide to all licence holders, designed to be easily stored in a glove compartment or similar. This will act as an aide memoire for drivers regarding how to identify and report safeguarding concerns, including county lines exploitation.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

The Council currently assesses an applicant's language proficiency through a face-to-face interview on initial application, and a written knowledge test that contains questions relating to local geography, local policy and conditions, basic numeracy and the Highway Code.

Where doubts are raised relating to an applicant's language proficiency, an authorised officer may advise the applicant to improve their language skills by way of a recognised test or assessment prior to them being granted a licence.

Criminality checks for vehicle proprietors

- 7.2 *Enhanced DBS and barred list checks are not available for vehicle licensing. Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.*
- 7.3 *However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.*

The Council does not currently require vehicle proprietors to supply a basic Disclosure and Barring Service check.

PROPOSAL: Amend the policy to mandate basic Disclosure and Barring Service checks for vehicle proprietors every 12 months, and advise registration to the DBS Update Service. Individuals who are already licensed as hackney carriage or private hire drivers (and thus have a six-monthly enhanced DBS check) need not comply with this requirement.

- 7.4 *A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.*

Where an individual has had a hackney carriage or private hire driver licence refused, suspended or revoked, the Council shall ensure that decisions on the suitability of the individual to obtain a hackney carriage or private hire vehicle licence are made independently from matters relating to the hackney carriage or private hire driver licence.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

PROPOSAL: Amend the policy to require that where the applicant for a hackney carriage or private hire vehicle licence is a company or partnership, all directors or partners of that company or partnership shall provide a basic Disclosure and Barring Service check. Where a Directors or partners already licensed as a hackney carriage or private hire driver (and thus have a six-monthly enhanced DBS check) need not comply with this requirement.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be consider where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

PROPOSAL: Amend the policy to clarify that where the applicant for a hackney carriage or private hire vehicle licence has spent an extended period (six months or more) outside of the UK, they must supply a Certificate of Good Character from their embassy or from the country in which they have been living.

In-vehicle visual and audio recording - CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- *detering and preventing the occurrence of crime;*

- *reducing the fear of crime;*
- *assisting the police in investigating incidents of crime;*
- *assisting insurance companies in investigating motor vehicle accidents.*

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

The Council is currently gathering information to aid in undertaking a comprehensive review of whether installation of CCTV in licensed hackney carriage and private hire vehicles is both proportionate and necessary. This review will include obtaining views of the taxi and private hire trade, and the general public. The Council is committed to undertaking this review but acknowledges that it will take several months, and it does not wish to delay implementing other measures proposed by these standards in the meantime.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

During the Council's review of whether installation of CCTV in licensed hackney carriage and private hire vehicles is both proportionate and necessary, it shall consider the data protection implications of audio recording and whether this should be continuous or capable of being activated by either the driver, passenger or both.

Stretched Limousines

7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this

provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.

The Council currently makes provision for holders of private hire vehicle licences to apply for a 'plate exemption', permitting the vehicle to be exempt from the requirement to display licence plates or door signs. The threshold for granting such an exemption is exceptionally high and the applicant must satisfy the Council that the vehicle will be used only for 'executive' travel. Documentation to support their application is encouraged, including letters from current clients and demonstration of the standard of service offered.

7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

The Council shall carefully consider any application received to licence a stretched limousine, taking into consideration the relevant sections of its policy and conditions. Each case will be considered on its own merits and any decision made will be in the interest of public safety.

Criminality checks for private hire operators

*8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document ([Annex – Assessment of previous convictions](#)), other than those relating to driving, meet the 'fit and proper' threshold.*

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the

application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

The Council currently requires private hire operators to provide a basic Disclosure and Barring Service (DBS) certificate every three years.

PROPOSAL: Amend the policy to mandate basic Disclosure and Barring Service checks for private hire operators every 12 months, and advise registration to the DBS Update Service. Individuals who are already licensed as hackney carriage or private hire drivers (and thus have a six-monthly enhanced DBS check) need not comply with this requirement.

8.4 Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Where an individual has had a hackney carriage or private hire driver licence refused, suspended or revoked, the Council shall ensure that decisions on the suitability of the individual to obtain a private hire operator licence are made independently from matters relating to the hackney carriage or private hire driver licence.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

PROPOSAL: Amend the policy to require that where the applicant for a private hire operator licence is a company or partnership, all directors or partners of that company or partnership shall provide a basic Disclosure and Barring Service check. Where a Directors or partners already licensed as a hackney carriage or private hire driver (and thus have a six-monthly enhanced DBS check) need not comply with this requirement.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

PROPOSAL: Amend the policy to clarify that where the applicant for a private hire operator licence has spent an extended period (six months or more) outside of the UK, they must supply a Certificate of Good Character from their embassy or from the country in which they have been living.

Booking and dispatch staff

- 8.7 *Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.*
- 8.8 *Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.***

PROPOSAL: Amend Private Hire Operator Licence Conditions to require all private hire operators to keep a register of all staff members that take bookings and/or dispatch vehicles.

- 8.9 *Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.*

PROPOSAL: Amend the Private Hire Operator Licence Conditions to require all private hire operators to record the date on which they have seen staff members'

basic Disclosure and Barring Service (DBS) check; this should be prior to employment.

8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

PROPOSAL: Amend the Private Hire Operator Licence Conditions to require all private hire operators to request and record sight of a new Disclosure and Barring Service (DBS) certificate, in the event that a staff member ceases to be on the register and later re-entered.

8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

PROPOSAL: Amend the Private Hire Operator Licence Conditions to require all private hire operators, where they outsource their booking and dispatch functions to another company or organisation, to retain a copy of that company or organisation's policy on protecting children and vulnerable adults.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

PROPOSAL: Amend the Private Hire Operator Licence Conditions and Statement of Licensing Policy to require all private hire operators to provide the licensing authority with a policy on employing ex-offenders. New applicants will be required to provide this prior to a licence being issued.

Private hire operators will be signposted to the Council's own criminal convictions policy and the Department for Transport's *Assessment of previous convictions* document to assist them in writing their policies.

Record keeping

8.13 Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.14 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

The Council currently requires private hire operators to record the name of the hirer; the time and date of booking; the time and date of pickup; the call sign of the vehicle used; the name and licence badge number of the driver dispatched; how the booking was made (i.e. telephone call, email etc); the destination; the fare quoted or to be charged; and the exact location of where acceptance of the booking was taken.

PROPOSAL: Amend the Private Hire Operator Licence Conditions to add the requirement for the operator to record the pickup point, registration number of the vehicle used; the name of any individual that responded to the booking request and the name of any individual that dispatched the vehicle.

The Council currently requires private hire operators to retain their records for a minimum of 12 months.

The Council will signpost private hire operators to the Information Commissioner's Office guidance on registering as data controller and how to meet obligations under data protection legislation.

Use of passenger carrying vehicles (PCV) licensed drivers

- 8.16 *PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.***
- 8.17 *Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check.*

PROPOSAL: Amend the Private Hire Operator Licence Conditions to require the operator and/or their staff to notify customers when their booking is to be fulfilled by a PCV licensed driver and a PSV, and to ensure that bookings are not fulfilled by a PCV licensed driver and a PSV without the informed consent of the customer.

Joint authorisation of enforcement officers

- 9.2 *Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).*

The Council shall continue to liaise with neighbouring licensing authorities on the subject of jointly authorising officers, and refer to the LGA's model should an agreement be reached on the matter.

Setting expectations and monitoring

- 9.3 *Licensing authorities should ensure that drivers are aware of the policies that they must adhere to and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and*

considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

The Council provides all new applicants with a link to the Statement of Licensing Policy, and the relevant licence conditions. The Statement of Licensing Policy and the three sets of conditions are published in the public domain on the Council's website.

Licensees are regularly reminded of their obligations under the Statement of Licensing Policy and relevant conditions via email bulletins, particularly where non-compliance has been identified across a number of licensees.

The Council currently operates a point-based system for dealing with minor breaches, which is detailed in the Council's Criminal Convictions Policy. A consistent approach is taken to imposing points, with previous cases referred to.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

The Council provides a feedback form on its website, which has resulted in the receipt of complaints in a consistent format since its introduction in 2019. Data relating to complaints is assessed by licensing officers in considering whether to suspend or revoke a licence, or require the licensee to undergo further training.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;

(aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or

(b) any other reasonable cause

9.6 *Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. Guidance for licensing authorities to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.*

9.7 *Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.*

The Council has a robust approach to determining whether a driver is fit and proper to hold a licence. All decisions are made on the balance of probabilities and take into consideration all evidence presented.

Drivers are typically invited to attend an informal interview or recorded interview under caution, depending on the severity of the matter being considered. Drivers may also opt to appoint a legal advisor to assist them.

9.8 *A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.*

9.9 *New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.*

The Council will make decisions based on information available to them at the time, and acknowledges that new information may come to light after a decision has been made. The Council will lift the suspension, or invite a driver to re-apply for a licence, in the event that new evidence suggests that a suspension or revocation is no longer appropriate.

9.10 *A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further*

consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

The Council will always seek to address minor issues without suspension or revocation; where a training opportunity exists, a driver may have their licence suspended until such time as that training is completed. The Council acknowledges that more serious issues will not be suitably resolved through training and that suspension/revocation may be more appropriate in these cases.

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Taxi Policy and Conditions Review: Summary report

This report was created on Tuesday 15 March 2022 at 14:18 and includes 7 responses.

The activity ran from 14/02/2022 to 14/03/2022.

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| Please answer the following questions by rating level of importance from 1 to 10 (with 10 being very important, and 1 being not important). - How important is it to you that taxi and private hire vehicle licence holders have a regular criminal record check? | 5 |
| Please answer the following questions by rating level of importance from 1 to 10 (with 10 being very important, and 1 being not important). - How important is it to you that private hire operators have a regular criminal record check? | 6 |
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| Do you agree or disagree that the Council should require drivers and operators to disclose the above information within 48 hours? | 7 |
| Question 8: Do you agree or disagree that the council should require taxi and private hire applicants to disclose whether they have had an application refused, or a licence suspended or revoked, by another licensing authority? | 7 |
| Do you agree or disagree that the council should require taxi and private hire applicants to disclose whether they have had an application refused, or a licence suspended or revoked, by another licensing authority? | 7 |
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| Do you agree or disagree with the council's proposal to mandate the display of the information above in all taxis and private hire vehicles? | 8 |
| Question 11: Do you agree or disagree that making it easier for customers to provide feedback on taxi and private hire licence holders will help the council to protect children and vulnerable people? | 9 |
| Do you agree or disagree that making it easier for customers to provide feedback on taxi and private hire licence holders will help the council to protect children and vulnerable people? | 9 |
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- If the Council did not display information in taxi and private hire vehicles about how to provide feedback, would you know how to contact them? 9
- Question 13: Please answer the following questions by rating level of importance from 1 to 5 (with 5 being very important, and 1 being not important).** 10
- How important is it to you that customers have access to a range of options to contact the council to provide feedback about taxi and private hire licence holders?/How important is it to you that customers can provide feedback to the council using their smartphone? e.g. by scanning a QR code displayed in the vehicle. - How important is it to you that customers have access to a range of options to contact the council to provide feedback about taxi and private hire licence holders? 10
- How important is it to you that customers have access to a range of options to contact the council to provide feedback about taxi and private hire licence holders?/How important is it to you that customers can provide feedback to the council using their smartphone? e.g. by scanning a QR code displayed in the vehicle. - How important is it to you that customers can provide feedback to the council using their smartphone? e.g. by scanning a QR code displayed in the vehicle. 10
- Question 14: Do you agree or disagree with the recommendation that the council uses information on the national register to inform their decisions about whether to grant taxi or private hire licences?** 11
- Do you agree or disagree with the recommendation that the council uses information on the national register to inform their decisions about whether to grant taxi or private hire licences? 11
- Question 15: Do you think that the council should make it clearer in its policy that many factors are considered in determining whether an applicant is 'fit and proper'?** 11
- Do you think that the Council should make it clearer in its policy that many factors are considered in determining whether an applicant is 'fit and proper'? 11
- Question 16: The Department for Transport has recommended that private hire operators be required to maintain a register of all staff that are responsible for taking bookings and/or dispatching vehicles. Do you agree or disagree with this recommendation?** 12
- The Department for Transport has recommended that private hire operators be required to maintain a register of all staff that are responsible for taking bookings and/or dispatching vehicles. Do you agree with this recommendation? 12
- Question 17: The Department for Transport has recommended that private hire operators be required to record that they have seen a basic DBS certificate for all staff that are responsible for taking bookings and/or dispatching vehicles. Do you agree or disagree with this recommendation?** 12
- The Department for Transport has recommended that private hire operators be required to record that they have seen a basic DBS certificate for all staff that are responsible for taking bookings and/or dispatching vehicles. Do you agree with this recommendation? 12
- Question 18: The Department for Transport has recommended that, where a private hire operators outsources their booking and dispatch functions to a third-party provider, the private hire operator should retain a copy of the third-party's policy on protecting children and vulnerable adults. Do you agree or disagree with this recommendation?** 13
- The Department for Transport has recommended that, where a private hire operators outsources their booking and dispatch functions to the a third-party provider, the private hire operator should retain a copy of the third-party's policy on protecting children and vulnerable adults. Do you agree or disagree with this recommendation? 13
- Question 19: The Department for Transport has recommended that private hire operators should produce a policy on employing ex-offenders, and provide a copy of this to the council. Do you agree or disagree with this recommendation?** 13
- The Department for Transport has recommended that private hire operators should produce a policy on employing ex-offenders, and provide a copy of this to the Council. *Do you agree with this recommendation? 13
- Question 20: The Department for Transport has recommended that private hire operators should maintain records of all bookings, including the pickup point, registration number of the vehicle used; the name of any individual that responded to the booking request and the name of any individual that dispatched the vehicle. Do you agree or disagree with this recommendation?** 14
- The Department for Transport has recommended that private hire operators should maintain records of all bookings, including the pickup point, registration number of the vehicle used; the name of any individual that responded to the booking request and the name of any individual that dispatched the vehicle. Do you agree or disagree with this recommendation? 14
- Question 21: The Department for Transport has recommended that private hire operators do not use public service vehicles to fulfil bookings unless the customer is informed of this and provides consent. Do you agree or disagree with this recommendation?** 14
- The Department for Transport has recommended that private hire operators do not use public service vehicles to fulfil bookings unless the customer is informed of this and provides consent. Do you agree or disagree with this recommendation? 14
- Question 22: The Department for Transport has recommended that the council reviews it taxi policy at least every five years, with provision made for interim reviews where required. Do you agree or disagree with this recommendation?** 15
- The Department for Transport has recommended that the Council reviews it taxi policy at least every five years, with provision made for interim reviews where required. Do you agree or disagree with this recommendation? 15
- Question 23: Do you agree or disagree that the council should conduct a review into whether mandatory CCTV in taxis and private hire vehicles is both proportionate and necessary?** 15
- Do you agree or disagree that the council should conduct a review into whether CCTV in taxis and private hire vehicles is both proportionate and necessary? 15
- Question 24: The council last reviewed its taxi (hackney carriage) fares in 2011. At present, a two-mile journey (during the daytime, without delays) costs approximately £6.16 to the customer. Do you think that the council should review its fares?** 16
- The council last reviewed its taxi (hackney carriage) fares in 2011. At present, a two-mile journey (during the daytime, without delays) costs approximately £6.16 to the customer. Do you think that the council should review its fares? 16

Question 25: If you have any other comments to make on these proposed changes to the council's policy and conditions relating to taxi and private hire licensing, please use the box below: 16

If you have any other comments to make on these proposed changes to the Council's policy and conditions relating to taxi and private hire licensing, please use the box below. 16

Question 26: Are you a licensed hackney carriage or private hire driver, vehicle proprietor or private hire operator? 16

Are you a licensed hackney carriage or private hire driver, vehicle proprietor or private hire operator? 16

Question 27: If 'Yes' to question 26, please provide the following information: 16

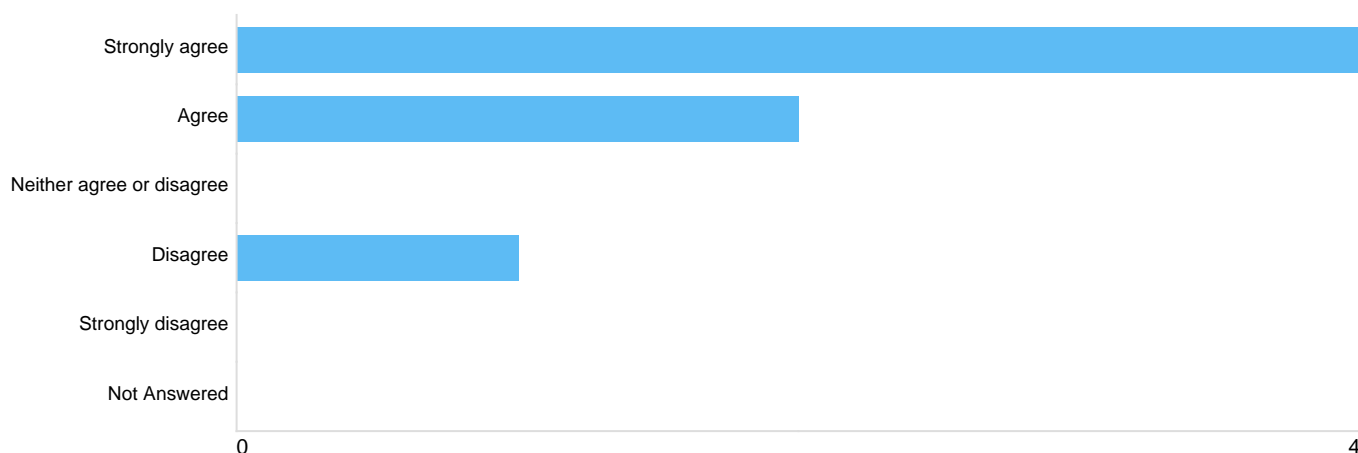
Full name: 16

Licence number: 16

Name of Council that issued your licence: 17

Question 1: Do you agree or disagree that the council should require an enhanced DBS certificate to be provided every six months by taxi and private hire drivers?

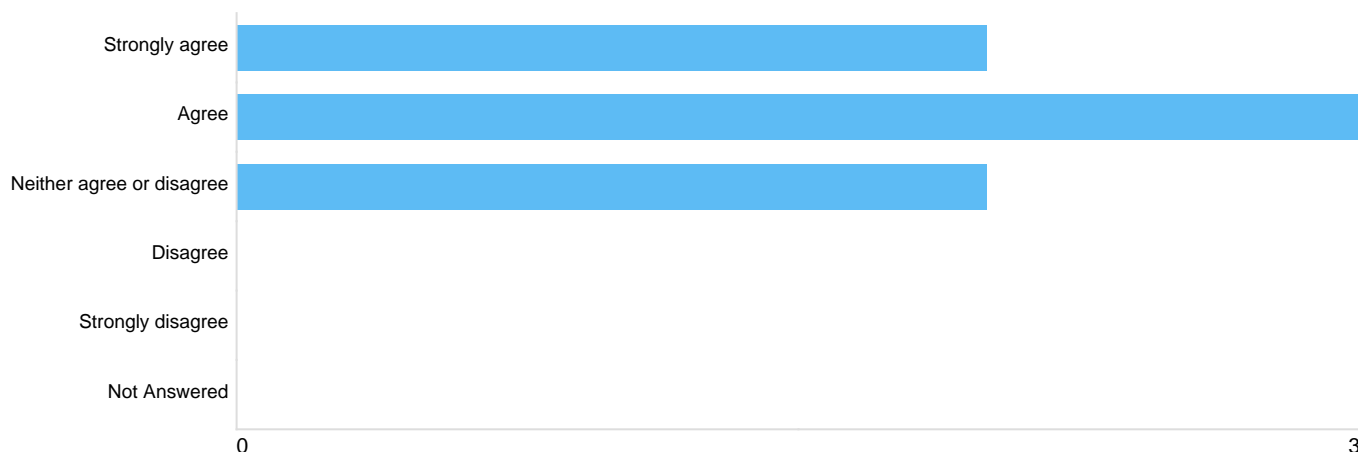
Do you agree that the Council should require an enhanced DBS certificate to be provided every six months by taxi and private hire drivers?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 4 | 57.14% |
| Agree | 2 | 28.57% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 1 | 14.29% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 2: Do you agree or disagree that the council should require taxi and private hire drivers to subscribe to the DBS Update Service?

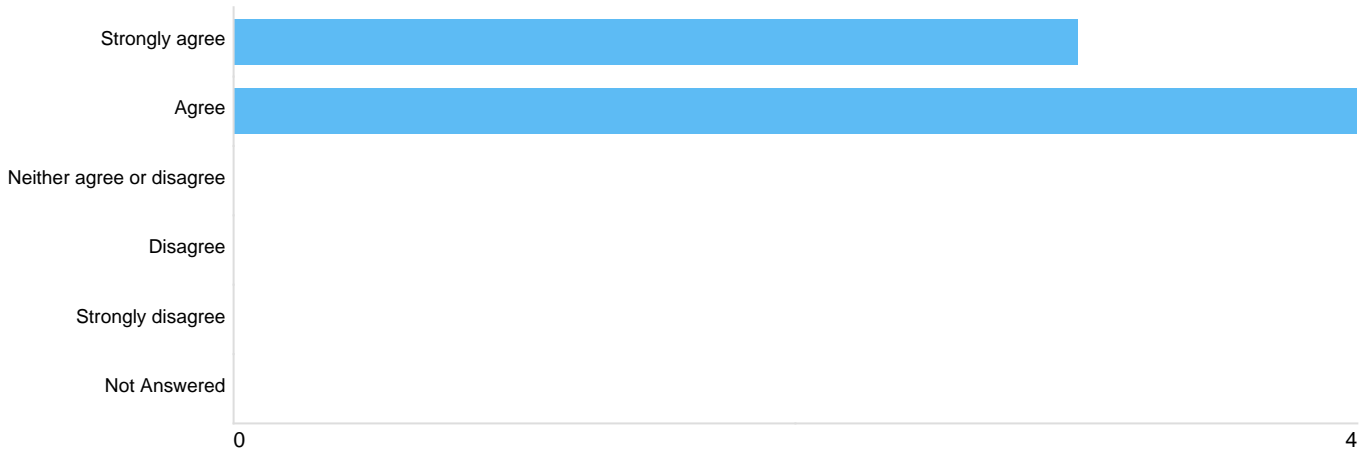
Do you agree or disagree that the Council should require taxi and private hire drivers to subscribe to the DBS Update Service?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 2 | 28.57% |
| Agree | 3 | 42.86% |
| Neither agree or disagree | 2 | 28.57% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 3: Do you agree or disagree that the council should require a basic DBS certificate to be provided every 12 months by taxi and private hire vehicle licence holders?

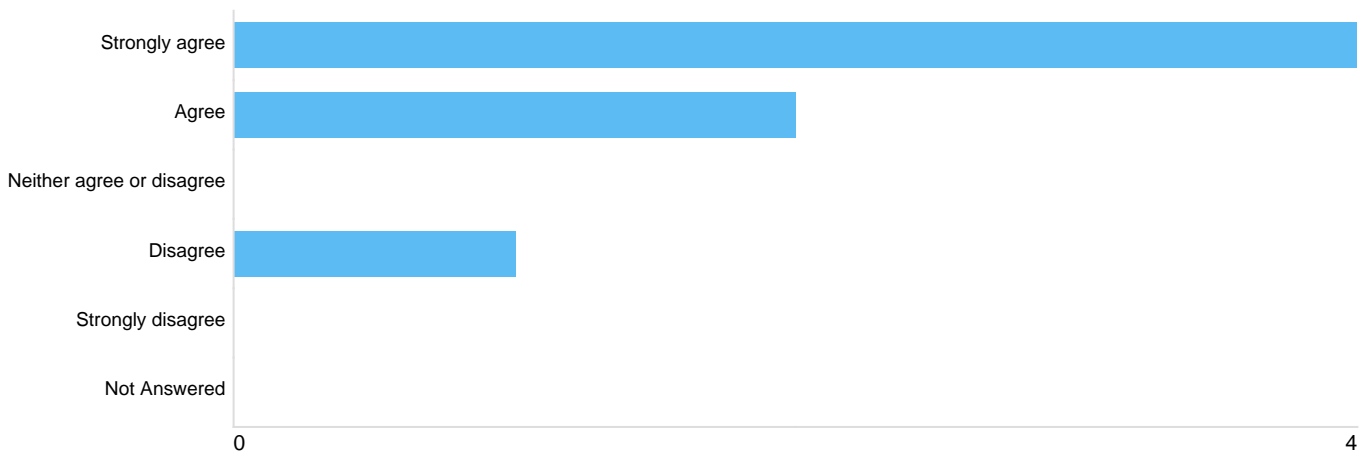
Do you agree or disagree that the council should require a basic DBS certificate to be provided every 12 months by taxi and private hire vehicle licence holders?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 3 | 42.86% |
| Agree | 4 | 57.14% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 4: Do you agree or disagree that the council should require a Certificate of Good Character to be provided by any taxi or private hire applicant who has spent at least six months overseas?

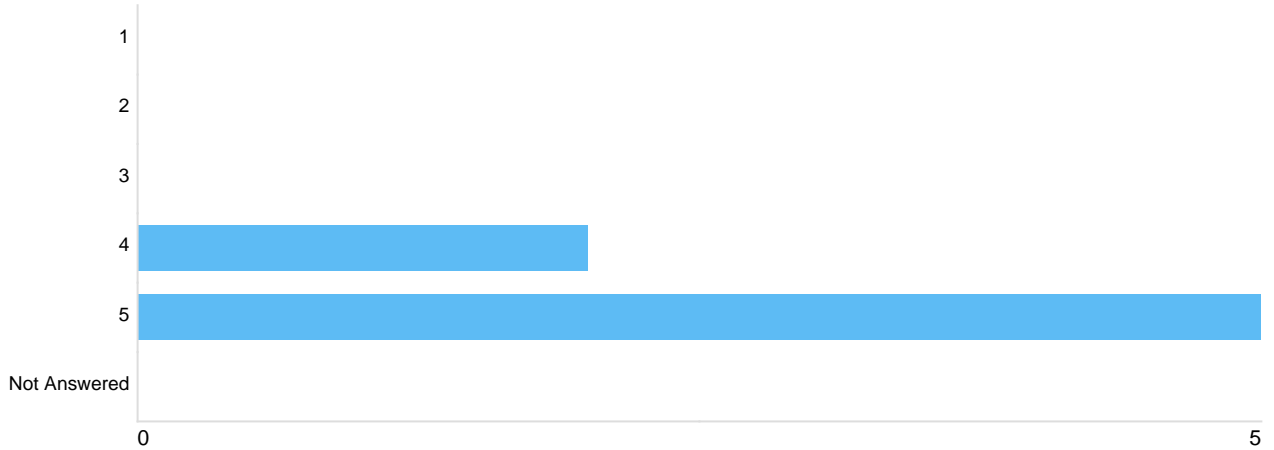
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| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 4 | 57.14% |
| Agree | 2 | 28.57% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 1 | 14.29% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

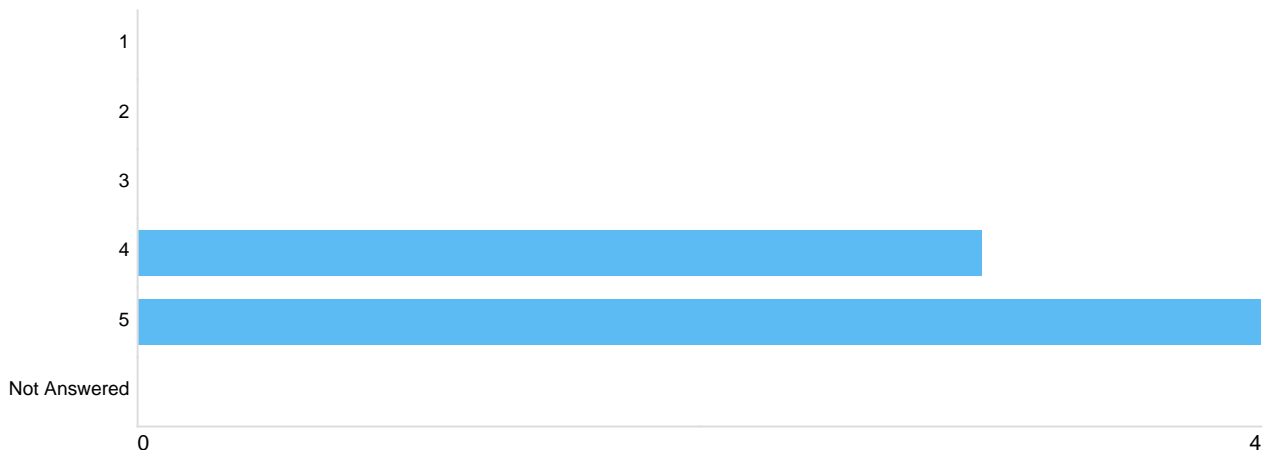
Question 5: Please answer the following questions by rating level of importance from 1 to 5 (with 5 being very important, and 1 being not important).

Please answer the following questions by rating level of importance from 1 to 10 (with 10 being very important, and 1 being not important). - How important is it to you that taxi and private hire drivers have a regular criminal record check?



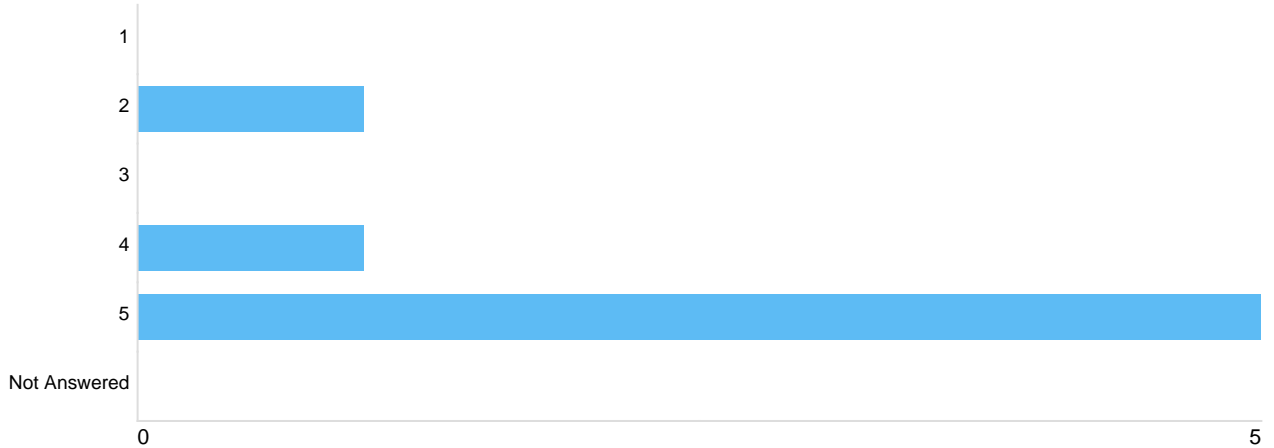
| Option | Total | Percent |
|--------------|-------|---------|
| 1 | 0 | 0.00% |
| 2 | 0 | 0.00% |
| 3 | 0 | 0.00% |
| 4 | 2 | 28.57% |
| 5 | 5 | 71.43% |
| Not Answered | 0 | 0.00% |

Please answer the following questions by rating level of importance from 1 to 10 (with 10 being very important, and 1 being not important). - How important is it to you that taxi and private hire vehicle licence holders have a regular criminal record check?



| Option | Total | Percent |
|--------------|-------|---------|
| 1 | 0 | 0.00% |
| 2 | 0 | 0.00% |
| 3 | 0 | 0.00% |
| 4 | 3 | 42.86% |
| 5 | 4 | 57.14% |
| Not Answered | 0 | 0.00% |

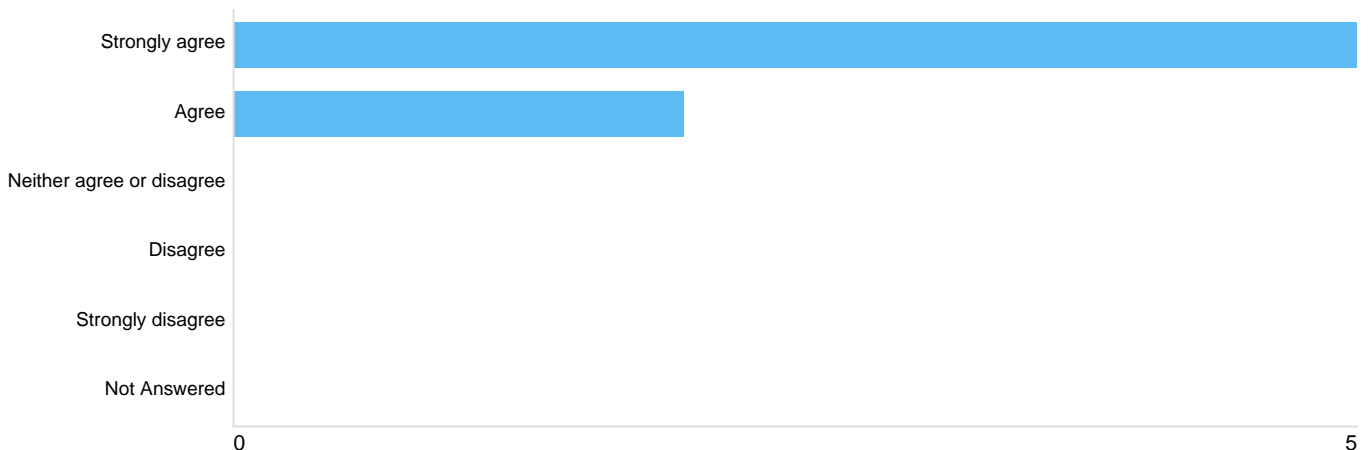
Please answer the following questions by rating level of importance from 1 to 10 (with 10 being very important, and 1 being not important). - How important is it to you that private hire operators have a regular criminal record check?



| Option | Total | Percent |
|--------------|-------|---------|
| 1 | 0 | 0.00% |
| 2 | 1 | 14.29% |
| 3 | 0 | 0.00% |
| 4 | 1 | 14.29% |
| 5 | 5 | 71.43% |
| Not Answered | 0 | 0.00% |

Question 6: Do you agree or disagree that checking taxi and private hire licence holder's criminal records can help to protect children and vulnerable people?

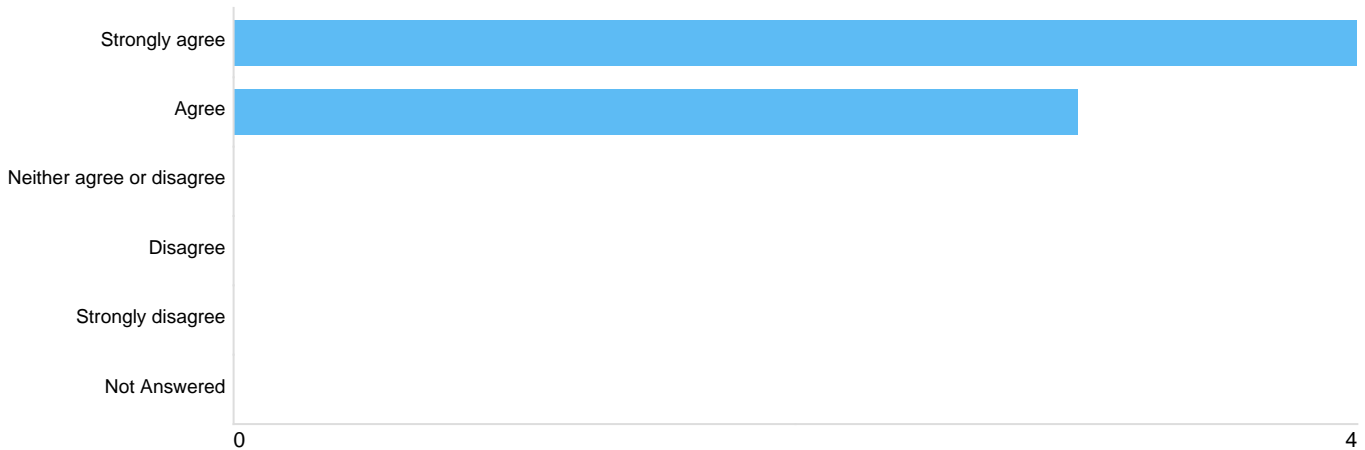
Do you agree or disagree that checking taxi and private hire licence holder's criminal records can help to protect children and vulnerable people?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 5 | 71.43% |
| Agree | 2 | 28.57% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 7: Do you agree or disagree that the council should require drivers and operators to disclose the above information within 48 hours?

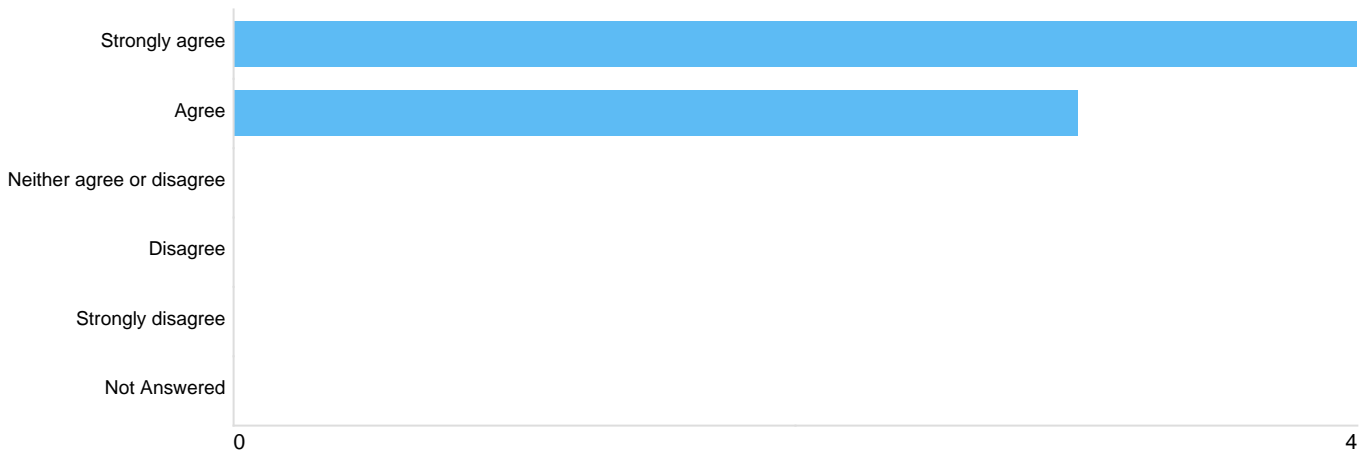
Do you agree or disagree that the Council should require drivers and operators to disclose the above information within 48 hours?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 4 | 57.14% |
| Agree | 3 | 42.86% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 8: Do you agree or disagree that the council should require taxi and private hire applicants to disclose whether they have had an application refused, or a licence suspended or revoked, by another licensing authority?

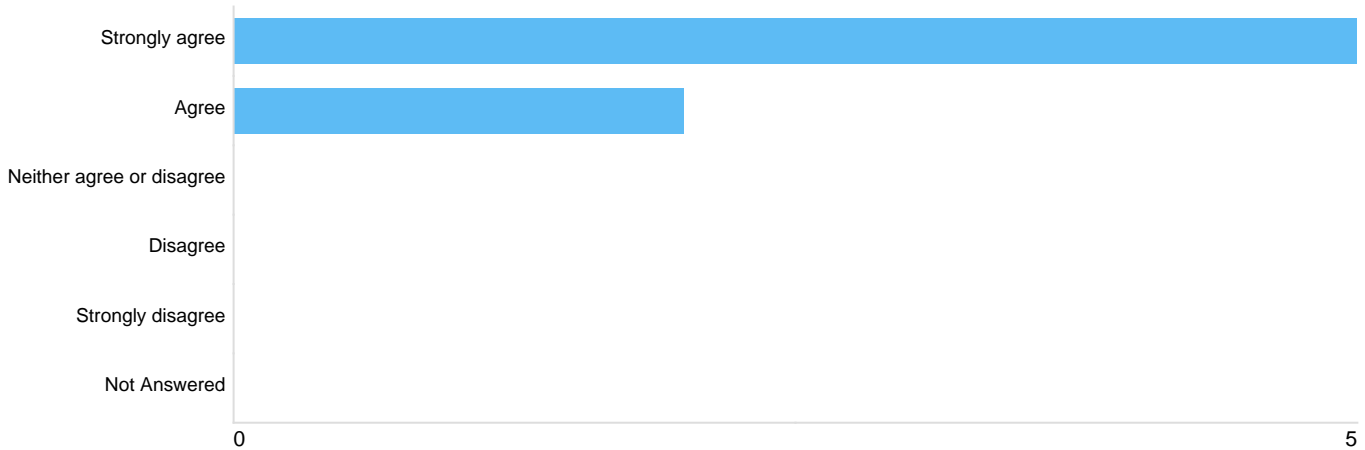
Do you agree or disagree that the council should require taxi and private hire applicants to disclose whether they have had an application refused, or a licence suspended or revoked, by another licensing authority?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 4 | 57.14% |
| Agree | 3 | 42.86% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 9: Do you agree or disagree that knowing whether a taxi or private hire applicant has previously had an application refused, or a licence suspended or revoked, can help the council to protect children and vulnerable people?

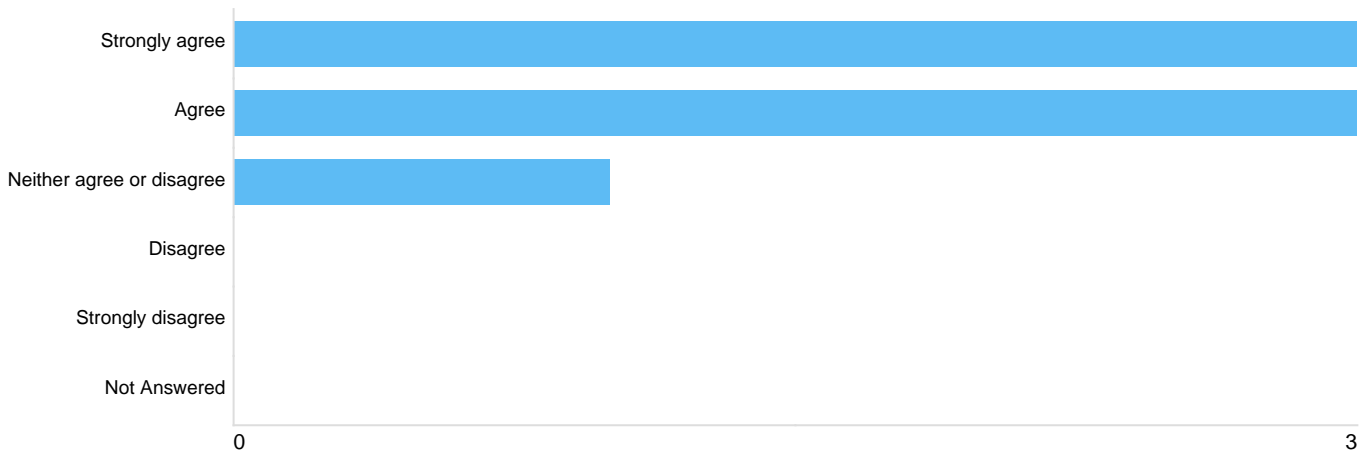
Do you agree that knowing whether a taxi or private hire applicant has previously had an application refused, or a licence suspended or revoked, can help the Council to protect children and vulnerable people?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 5 | 71.43% |
| Agree | 2 | 28.57% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 10: Do you agree or disagree with the council's proposal to mandate the display of the information above in all taxis and private hire vehicles?

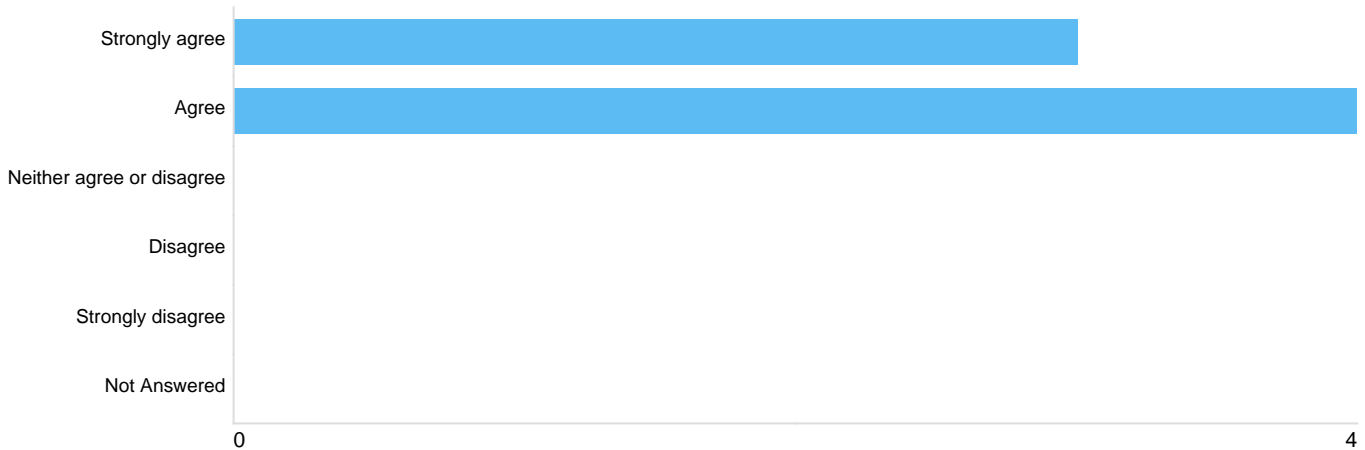
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| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 3 | 42.86% |
| Agree | 3 | 42.86% |
| Neither agree or disagree | 1 | 14.29% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 11: Do you agree or disagree that making it easier for customers to provide feedback on taxi and private hire licence holders will help the council to protect children and vulnerable people?

Do you agree or disagree that making it easier for customers to provide feedback on taxi and private hire licence holders will help the council to protect children and vulnerable people?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 3 | 42.86% |
| Agree | 4 | 57.14% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 12: If the council did not display information in taxi and private hire vehicles about how to provide feedback, would you know how to contact them?

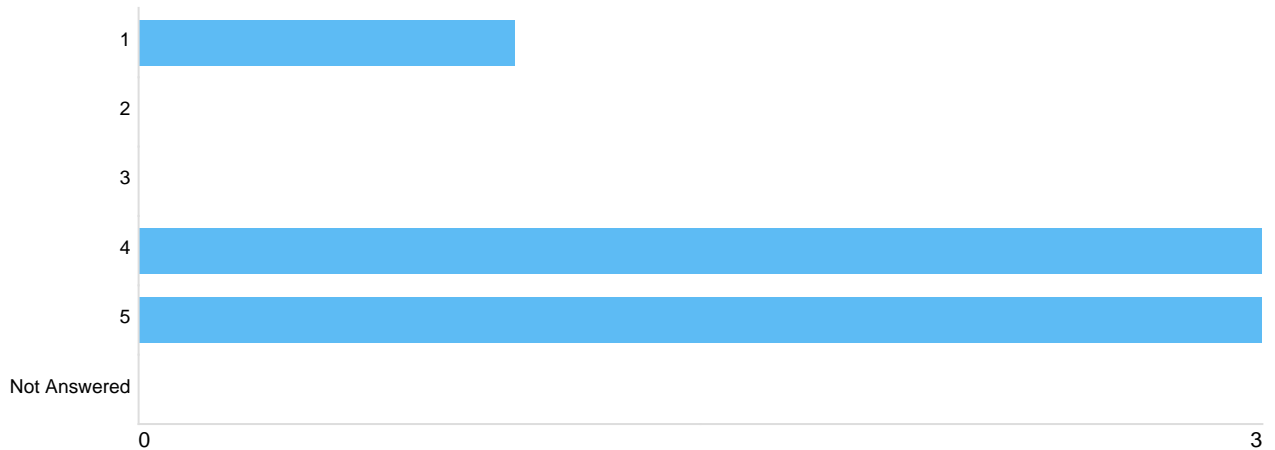
If the Council did not display information in taxi and private hire vehicles about how to provide feedback, would you know how to contact them?



| Option | Total | Percent |
|--------------|-------|---------|
| Yes | 7 | 100.00% |
| No | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

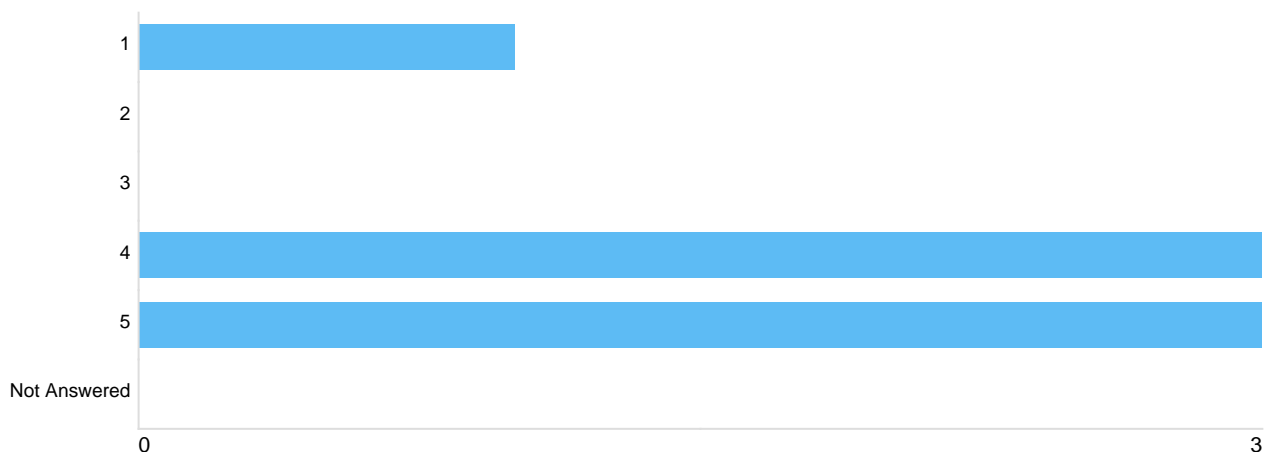
Question 13: Please answer the following questions by rating level of importance from 1 to 5 (with 5 being very important, and 1 being not important).

How important is it to you that customers have access to a range of options to contact the council to provide feedback about taxi and private hire licence holders?/How important is it to you that customers can provide feedback to the council using their smartphone? e.g. by scanning a QR code displayed in the vehicle. - How important is it to you that customers have access to a range of options to contact the council to provide feedback about taxi and private hire licence holders?



| Option | Total | Percent |
|--------------|-------|---------|
| 1 | 1 | 14.29% |
| 2 | 0 | 0.00% |
| 3 | 0 | 0.00% |
| 4 | 3 | 42.86% |
| 5 | 3 | 42.86% |
| Not Answered | 0 | 0.00% |

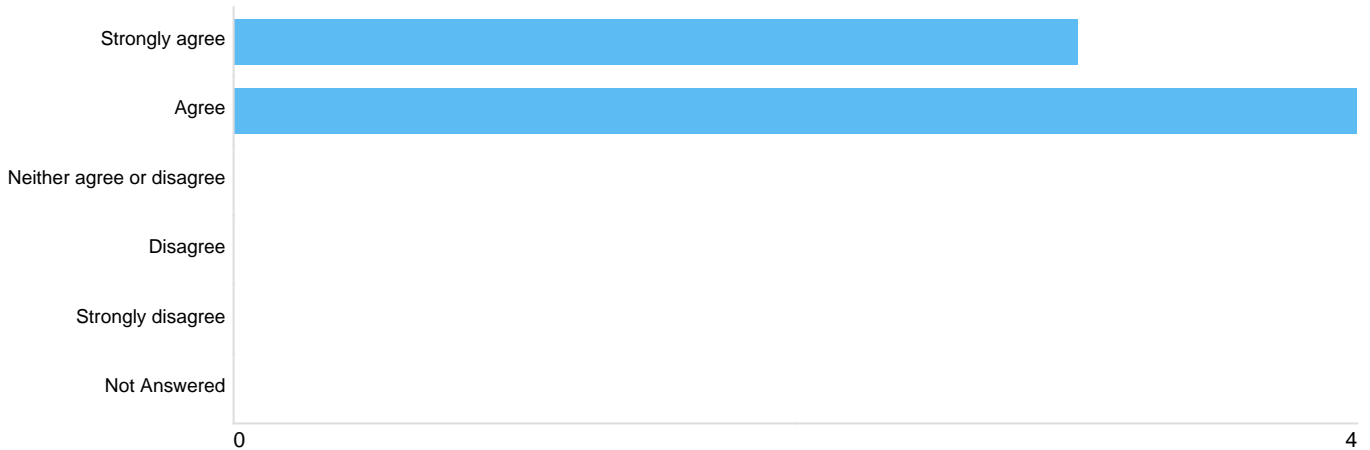
How important is it to you that customers have access to a range of options to contact the council to provide feedback about taxi and private hire licence holders?/How important is it to you that customers can provide feedback to the council using their smartphone? e.g. by scanning a QR code displayed in the vehicle. - How important is it to you that customers can provide feedback to the council using their smartphone? e.g. by scanning a QR code displayed in the vehicle.



| Option | Total | Percent |
|--------------|-------|---------|
| 1 | 1 | 14.29% |
| 2 | 0 | 0.00% |
| 3 | 0 | 0.00% |
| 4 | 3 | 42.86% |
| 5 | 3 | 42.86% |
| Not Answered | 0 | 0.00% |

Question 14: Do you agree or disagree with the recommendation that the council uses information on the national register to inform their decisions about whether to grant taxi or private hire licences?

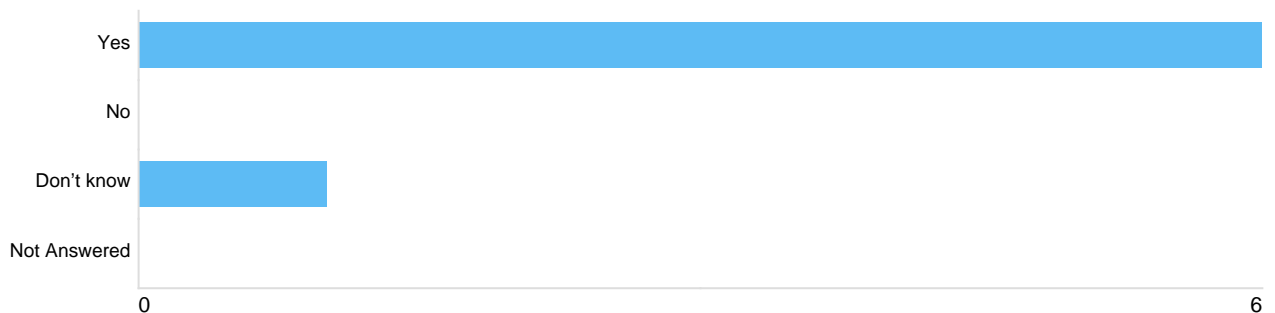
Do you agree or disagree with the recommendation that the council uses information on the national register to inform their decisions about whether to grant taxi or private hire licences?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 3 | 42.86% |
| Agree | 4 | 57.14% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 15: Do you think that the council should make it clearer in its policy that many factors are considered in determining whether an applicant is 'fit and proper'?

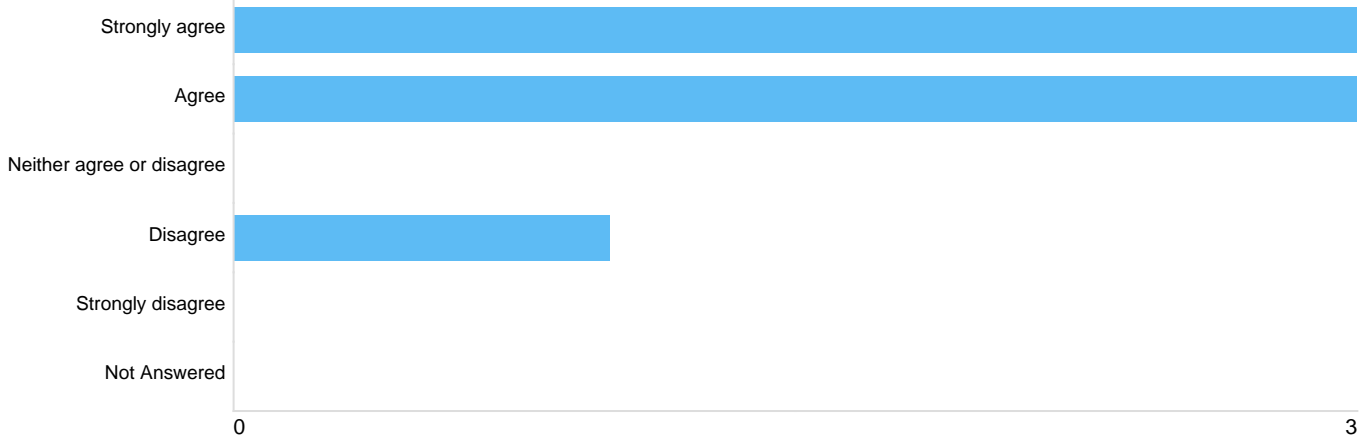
Do you think that the Council should make it clearer in its policy that many factors are considered in determining whether an applicant is 'fit and proper'?



| Option | Total | Percent |
|--------------|-------|---------|
| Yes | 6 | 85.71% |
| No | 0 | 0.00% |
| Don't know | 1 | 14.29% |
| Not Answered | 0 | 0.00% |

Question 16: The Department for Transport has recommended that private hire operators be required to maintain a register of all staff that are responsible for taking bookings and/or dispatching vehicles. Do you agree or disagree with this recommendation?

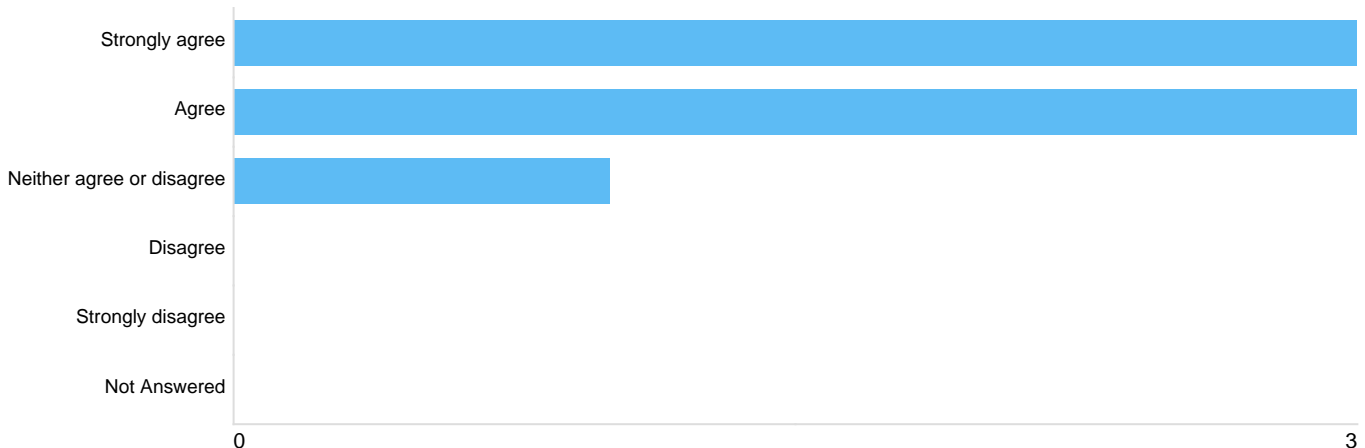
The Department for Transport has recommended that private hire operators be required to maintain a register of all staff that are responsible for taking bookings and/or dispatching vehicles. Do you agree with this recommendation?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 3 | 42.86% |
| Agree | 3 | 42.86% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 1 | 14.29% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 17: The Department for Transport has recommended that private hire operators be required to record that they have seen a basic DBS certificate for all staff that are responsible for taking bookings and/or dispatching vehicles. Do you agree or disagree with this recommendation?

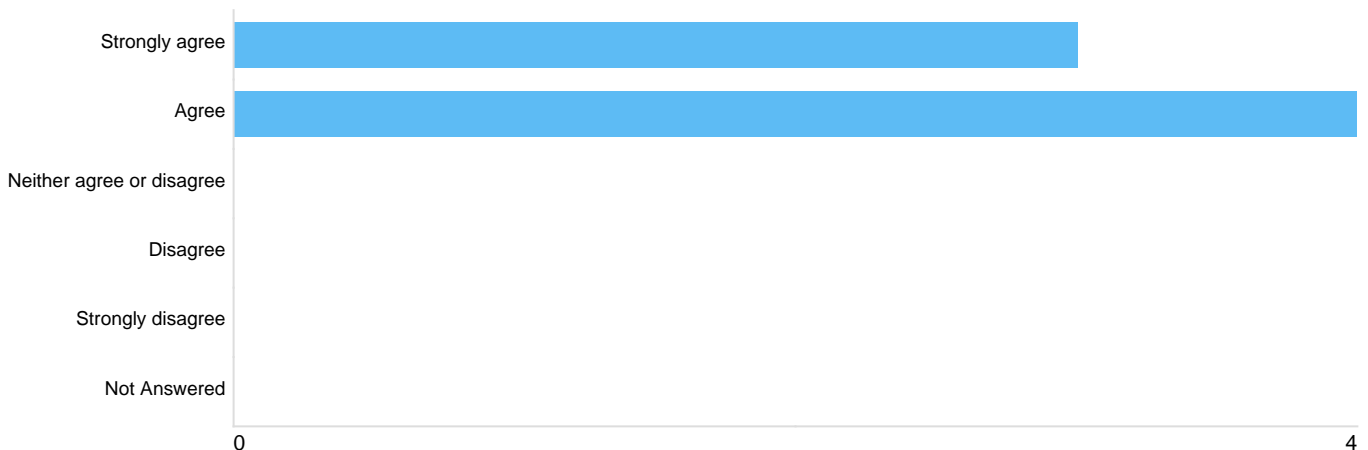
The Department for Transport has recommended that private hire operators be required to record that they have seen a basic DBS certificate for all staff that are responsible for taking bookings and/or dispatching vehicles. Do you agree with this recommendation?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 3 | 42.86% |
| Agree | 3 | 42.86% |
| Neither agree or disagree | 1 | 14.29% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 18: The Department for Transport has recommended that, where a private hire operators outsources their booking and dispatch functions to a third-party provider, the private hire operator should retain a copy of the third-party's policy on protecting children and vulnerable adults. Do you agree or disagree with this recommendation?

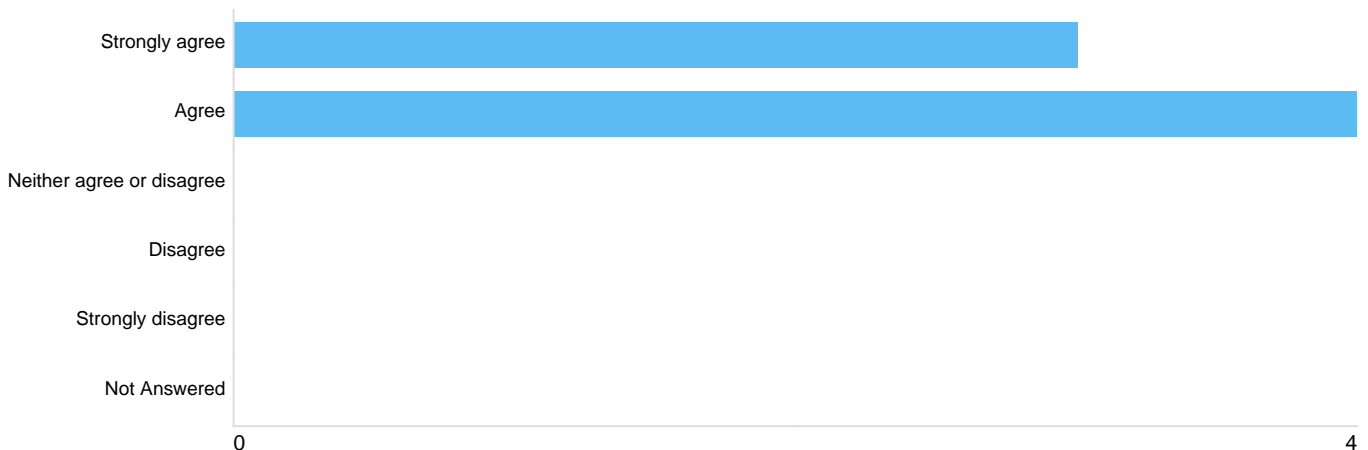
The Department for Transport has recommended that, where a private hire operators outsources their booking and dispatch functions to the a third-party provider, the private hire operator should retain a copy of the third-party's policy on protecting children and vulnerable adults. Do you agree or disagree with this recommendation?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 3 | 42.86% |
| Agree | 4 | 57.14% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 19: The Department for Transport has recommended that private hire operators should produce a policy on employing ex-offenders, and provide a copy of this to the council. Do you agree or disagree with this recommendation?

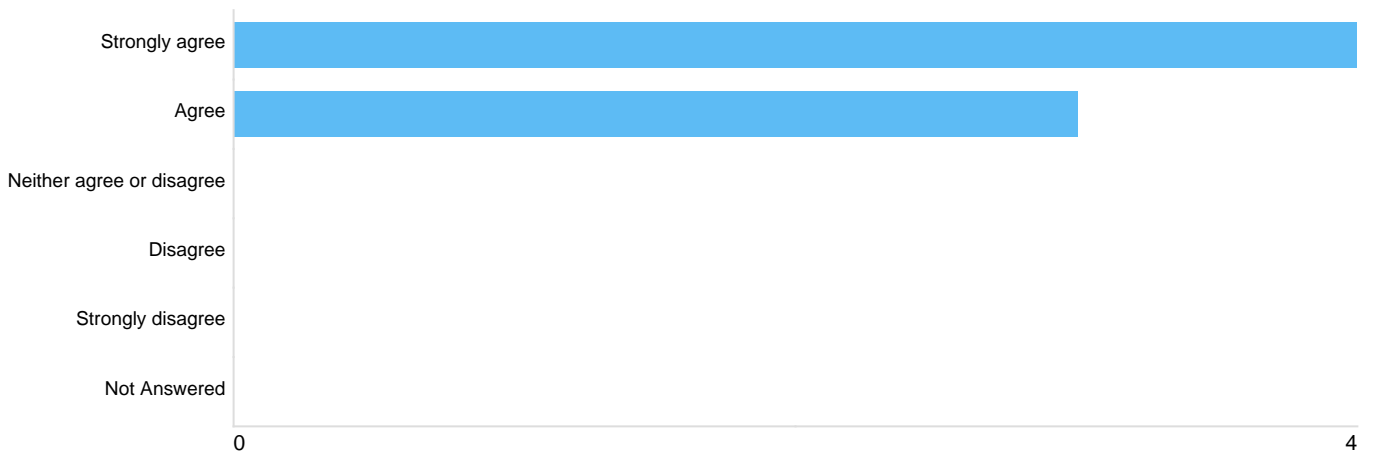
*The Department for Transport has recommended that private hire operators should produce a policy on employing ex-offenders, and provide a copy of this to the Council. *Do you agree with this recommendation?*



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 3 | 42.86% |
| Agree | 4 | 57.14% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 20: The Department for Transport has recommended that private hire operators should maintain records of all bookings, including the pickup point, registration number of the vehicle used; the name of any individual that responded to the booking request and the name of any individual that dispatched the vehicle. Do you agree or disagree with this recommendation?

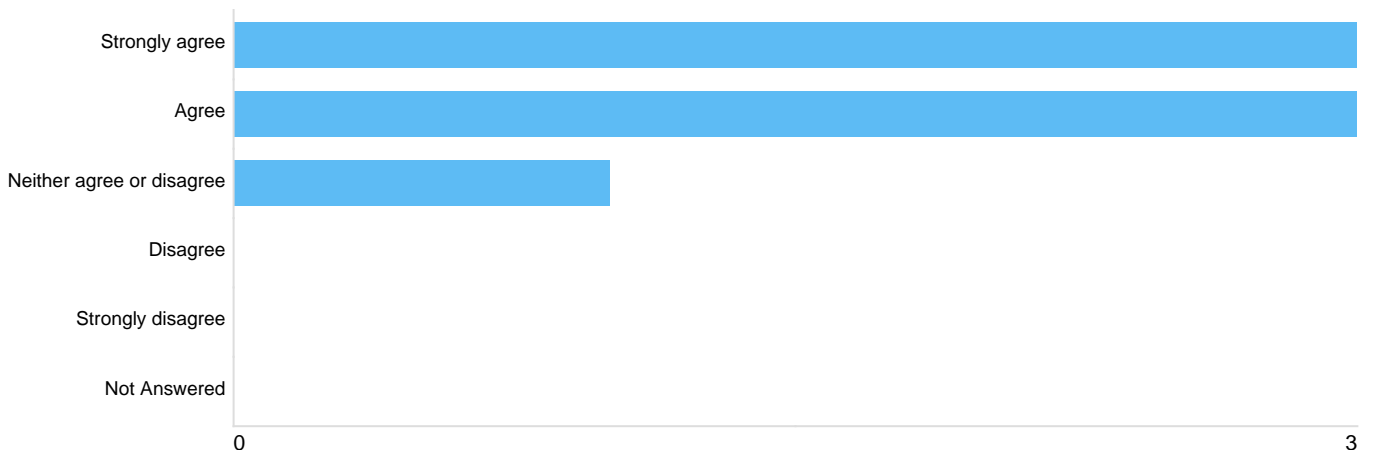
The Department for Transport has recommended that private hire operators should maintain records of all bookings, including the pickup point, registration number of the vehicle used; the name of any individual that responded to the booking request and the name of any individual that dispatched the vehicle. Do you agree or disagree with this recommendation?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 4 | 57.14% |
| Agree | 3 | 42.86% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 21: The Department for Transport has recommended that private hire operators do not use public service vehicles to fulfil bookings unless the customer is informed of this and provides consent. Do you agree or disagree with this recommendation?

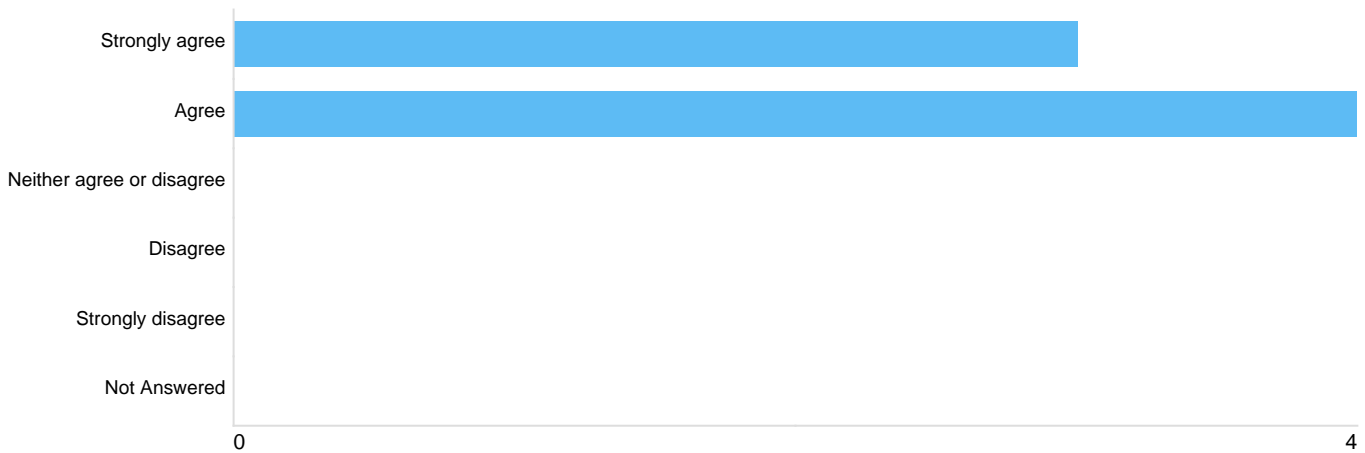
The Department for Transport has recommended that private hire operators do not use public service vehicles to fulfil bookings unless the customer is informed of this and provides consent. Do you agree or disagree with this recommendation?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 3 | 42.86% |
| Agree | 3 | 42.86% |
| Neither agree or disagree | 1 | 14.29% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 22: The Department for Transport has recommended that the council reviews its taxi policy at least every five years, with provision made for interim reviews where required. Do you agree or disagree with this recommendation?

The Department for Transport has recommended that the Council reviews its taxi policy at least every five years, with provision made for interim reviews where required. Do you agree or disagree with this recommendation?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 3 | 42.86% |
| Agree | 4 | 57.14% |
| Neither agree or disagree | 0 | 0.00% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 23: Do you agree or disagree that the council should conduct a review into whether mandatory CCTV in taxis and private hire vehicles is both proportionate and necessary?

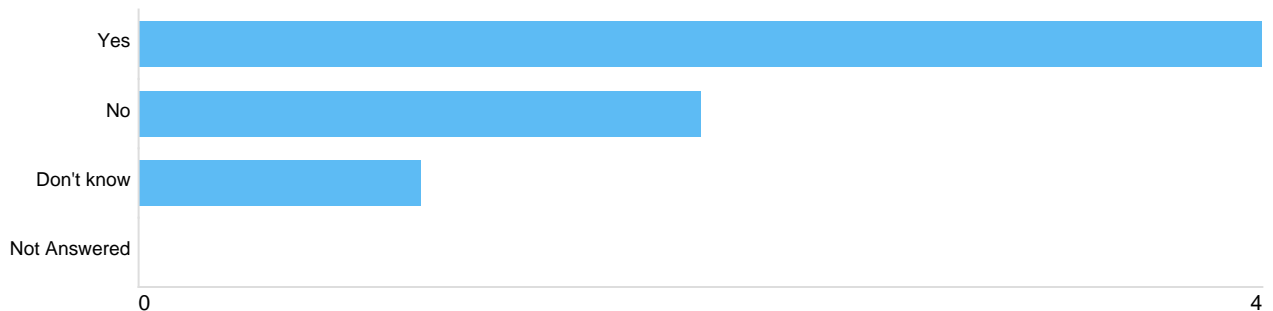
Do you agree or disagree that the council should conduct a review into whether CCTV in taxis and private hire vehicles is both proportionate and necessary?



| Option | Total | Percent |
|---------------------------|-------|---------|
| Strongly agree | 2 | 28.57% |
| Agree | 3 | 42.86% |
| Neither agree or disagree | 2 | 28.57% |
| Disagree | 0 | 0.00% |
| Strongly disagree | 0 | 0.00% |
| Not Answered | 0 | 0.00% |

Question 24: The council last reviewed its taxi (hackney carriage) fares in 2011. At present, a two-mile journey (during the daytime, without delays) costs approximately £6.16 to the customer. Do you think that the council should review its fares?

The council last reviewed its taxi (hackney carriage) fares in 2011. At present, a two-mile journey (during the daytime, without delays) costs approximately £6.16 to the customer. Do you think that the council should review its fares?



| Option | Total | Percent |
|--------------|-------|---------|
| Yes | 4 | 57.14% |
| No | 2 | 28.57% |
| Don't know | 1 | 14.29% |
| Not Answered | 0 | 0.00% |

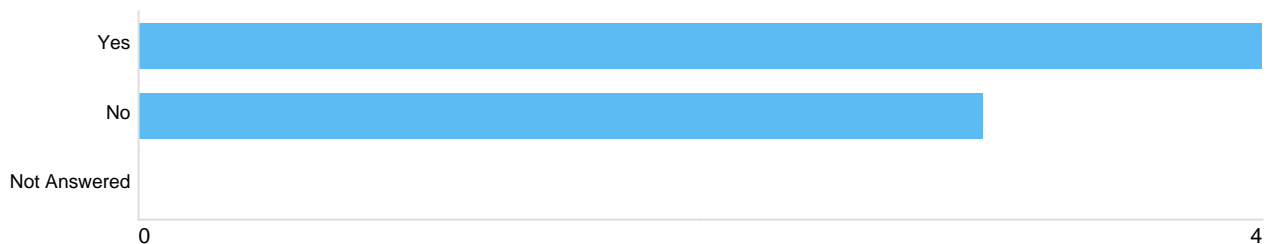
Question 25: If you have any other comments to make on these proposed changes to the council's policy and conditions relating to taxi and private hire licensing, please use the box below:

If you have any other comments to make on these proposed changes to the Council's policy and conditions relating to taxi and private hire licensing, please use the box below.

There were **0** responses to this part of the question.

Question 26: Are you a licensed hackney carriage or private hire driver, vehicle proprietor or private hire operator?

Are you a licensed hackney carriage or private hire driver, vehicle proprietor or private hire operator?



| Option | Total | Percent |
|--------------|-------|---------|
| Yes | 4 | 57.14% |
| No | 3 | 42.86% |
| Not Answered | 0 | 0.00% |

Question 27: If 'Yes' to question 26, please provide the following information:

Full name:

There were **4** responses to this part of the question.

Licence number:

There were **4** responses to this part of the question.

Name of Council that issued your licence:

There were **4** responses to this part of the question.

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Winchester City Council Equality Impact Assessment Template (EqIA)

Section 1 - Data Checklist

When undertaking an EqIA for your policy or project, it is important that you take into consideration everything which is associated with the policy or project that is being assessed.

The checklist below is to help you sense check your policy or project before you move to Section 2.

| | | Yes/No | Please provide details |
|---|---|--------|--|
| 1 | Has there been any complaints data related to the policy or project you are looking to implement? | No | <p>No complaints have been received in relation to the proposal to review the Policy to implement the recommendations detailed in the Department for Transport's statutory standards.</p> <p>A minority of consultation responses 'disagreed' with some of the proposals, namely the proposals to increase the frequency of enhanced DBS checks for licensed drivers and to require a Certificate of Good Character for individuals who have spent more than 6 months overseas.</p> <p>The proposal to improve the Council's quality of criminal record checking for taxi and private hire applicants and licensees is unlikely to have an impact on equality for any protected characteristic. It is unlikely that the above consultation responses were made on the basis of equality impact concerns.</p> |

| | | Yes/No | Please provide details |
|---|---|--------|--|
| 2 | Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about the way the policy or function has or will be implemented? | Yes | The Licensing Department has had frequent meetings in relation to the proposals, opportunities for all officers to contribute their ideas and concerns around the proposals and their implementation. |
| 3 | Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective? | No | <p>The Policy was previously reviewed in 2020, with changes made to improve access for wheelchair-bound passengers in taxis and private hire vehicles.</p> <p>This Policy review, arising from the Department for Transport's publication of its statutory standards, does not give rise to concerns regarding the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people.</p> |
| 4 | <p>Do you have any concerns regarding the implementation of this policy or project?</p> <p><i>(i.e. Have you completed a self-assessment and action plan for the implementation of your policy or project?)</i></p> | No | <p>The proposals can be implemented within the Council's existing resources, with the exception of the proposal to use the private sector to assist in the regular checking of DBS certificates.</p> <p>An action plan for implementation has been drafted by the Interim Licensing Manager, with room for amendments depending on any changes made to the Policy by the Licensing and Regulation Committee.</p> |
| 5 | Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact on your policy or project? | | <i>Advice sought from appropriate officer.</i> |
| 6 | Do you have any past experience delivering similar policies or projects which may inform the | Yes | I have previously assisted with delivering and implementing the changes included in the Taxi Policy review in 2020, in |

| | | Yes/No | Please provide details |
|---|--|--------|--|
| | implementation of your scheme from an equality impact point of view? | | <p>addition to implementing two versions of the Council's Pavement Licensing Policy.</p> <p>Both policies raised considerations in relation to equality and I am confident with assessing the impact of the Council's work on the subject of equality.</p> |
| 7 | Are there any other issues that you think will be relevant? | No | |

DRAFT

Section 2 - Your EqIA form

| | | | | |
|---------------------------|--|------------------------|---|--|
| Directorate: Place | Your Service Area: Public Protection | Team: Licensing | Officer responsible for this assessment: Briony Appletree | Date of assessment: 25/05/2022 |
|---------------------------|--|------------------------|---|--|

| | Question | Please provide details |
|---|---|---|
| 1 | What is the name of the policy or project that is being assessed? | Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators (June 2022 proposals), and associated conditions relating to drivers, vehicles and operators. |
| 2 | Is this a new or existing policy? | Existing, with proposed changes in June 2022. |
| 3 | Briefly describe the aim and purpose of this work. | The Policy intends to provide guidance on the licensing requirements in the Council's district in relation to hackney carriage and private hire licences, and outline the Council's process for administrating applications for these licences. The three sets of conditions aim to outline the Council's expectations of the holders of the above licences. |
| 4 | What are the associated objectives of this work? | <ul style="list-style-type: none"> - To demonstrate how the Council will fulfil its legal obligations under all legislation relevant to hackney carriage and private hire licences. - To provide applicants and licensees with guidance on licensing requirements for these licences. - To provide the public with transparent information about the safeguards in place to protect users of hackney carriage and private hire vehicles. - To outline the Council's decision-making process in relation to determining applications for these licences. |
| 5 | Who is intended to benefit from this work and in what way? | <ul style="list-style-type: none"> - The hackney carriage and private hire trade; access to full details of the Council's requirements and decision making process - Council officers; guidance on decision making processes |

| | | | |
|-----|---|--|---|
| | | <ul style="list-style-type: none"> - Members; guidance on decision making processes - The public; access to details of how the Council safeguards customers using hackney carriage / private hire vehicles | |
| 6 | What are the outcomes sought from this work? | <p>To update the Policy to have regard to the Department for Transport's 'Statutory Taxi and Private Hire Vehicle Standards' published in July 2020.</p> <p>The Policy supports the following Council Plan outcomes; <i>Vibrant Local Economy, Living Well and Your Services, Your Voice.</i></p> | |
| 7 | What factors/forces could contribute or detract from the outcomes? | <i>Advice sought from appropriate officer</i> | |
| 8 | Who are the key individuals and organisations responsible for the implementation of this work? | <p>Service Lead for Public Protection Licensing Team / Licensing Manager Portfolio Holder for Place and Local Plan Members of the Licensing and Regulation Committee Members of the Licensing Sub-Committee</p> | |
| 9 | Who implements the policy or project and who or what is responsible for it? | <p>Service Lead for Public Protection Licensing Team / Licensing Manager</p> | |
| | | Please select your answer in bold . Please provide detail here. | |
| 10a | Could the policy or project have the potential to affect individuals or communities on the basis of race differently in a negative way? | Y | N The Policy has no adverse impact on racial groups. |
| 10b | What existing evidence (either presumed or otherwise) do you have for this? | <p>Data regarding applicants' or individuals' race is not collected as part of any application process and does not form part of the Council's decision making process when determining applications for hackney carriage or private hire licences.</p> <p>Complaints against hackney carriage or private hire licence holders on the basis of race will be disregarded as irrelevant.</p> | |

| | | | | |
|-----|---|--|---|--|
| | | In dealing with enforcement cases where a complaint has included reference to a licence holder's race, this element of the complaint is used purely for identity purposes and has otherwise been disregarded. Only those points relevant to the Council's Policy are considered in determining the outcome of the case. | | |
| 11a | Could the policy or project have the potential to affect individuals or communities on the basis of sex differently in a negative way? | Y | N | The Policy has no adverse impact due to gender. |
| 11b | What existing evidence (either presumed or otherwise) do you have for this? | <p>Data regarding applicants' or individuals' gender is collected as part of determining the applicant or individual's identity and right to work in the UK, but does not form part of the Council's decision making process when determining applications for hackney carriage or private hire licences.</p> <p>In dealing with enforcement cases where a complaint has included reference to a licence holder's gender, this element of the complaint is used purely for identity purposes and has otherwise been disregarded. Only those points relevant to the Council's Policy are considered in determining the outcome of the case.</p> | | |
| 12a | <p>Could the policy or project have the potential to affect individuals or communities on the basis of disability differently in a negative way?</p> <p><i>you may wish to consider:</i></p> <ul style="list-style-type: none"> • <i>Physical access</i> • <i>Format of information</i> • <i>Time of interview or consultation event</i> | Y | N | The Council's Policy outlines a number of legal and local requirements to support the needs of individuals or communities affected by disability. However, it is acknowledged that these requirements may not capture the needs of all individuals or communities. |

| | | | | |
|-----|--|--|---|---|
| | <ul style="list-style-type: none"> • <i>Personal assistance</i> • <i>Interpreter</i> • <i>Induction loop system</i> • <i>Independent living equipment</i> • <i>Content of interview</i> | | | |
| 12b | What existing evidence (either presumed or otherwise) do you have for this? | <p>The Council's Policy requires the following:</p> <ul style="list-style-type: none"> - All newly licensed hackney carriage vehicles be wheelchair-accessible, either side or rear loading - All licensed drivers must undertake mandatory Disability Awareness Training and Safeguarding Training - All licensed drivers of wheelchair-accessible vehicles must undertake a mandatory Wheelchair Assessment - All licensed drivers are required to facilitate the carriage of assistance dogs, unless medically exempt - The Council must make provision for drivers to be made medically exempt from the carriage of wheelchair-bound passengers and/or assistance dogs under the Equality Act 2010. - The Council has a robust penalty points system and enforcement policy in place to effectively deal with any complaints received in relation to licensed drivers or operators not fulfilling their obligations to carry wheelchair-bound passengers and/or assistance dogs. | | |
| 13a | Could the policy or project have the potential to affect individuals or communities on the basis of sexual orientation differently in a negative way? | Y | N | The Policy has no adverse impact due to sexual orientation. |
| 13b | What existing evidence (either presumed or otherwise) do you have for this? | Data regarding applicants' or individuals' sexual orientation is not collected as part of the application process, and does not form part of the Council's decision making process when determining applications for hackney carriage or private hire licences. | | |

| | | | | |
|-----|---|--|---|--|
| | | In dealing with enforcement cases where a complaint has included reference to a licence holder's sexual orientation, this element of the complaint has been disregarded. Only those points relevant to the Council's Policy are considered in determining the outcome of the case. | | |
| 14a | Could the policy or project have the potential to affect individuals on the basis of age differently in a negative way? | Y | N | |
| 14b | What existing evidence (either presumed or otherwise) do you have for this? | Applications may only be accepted from individuals aged 21+ for driver licences, and 18+ for vehicle licences and private hire operator licences. | | |
| 15a | Could the policy or project have the potential to affect individuals or communities on the basis of religious belief differently in a negative way? | Y | N | |
| 15b | What existing evidence (either presumed or otherwise) do you have for this? | | | |
| 16a | Could this policy or project have the potential to affect individuals on the basis of gender reassignment differently in a negative way? | Y | N | |
| 16b | What existing evidence (either presumed or otherwise) do you have for this? | | | |
| 17a | Could this policy or project have the potential to affect individuals on the basis of marriage and civil partnership differently in a negative way? | Y | N | |
| 17b | What existing evidence (either presumed or otherwise) do you have for this? | | | |
| 18a | Could this policy or project have the potential to affect individuals on the basis of pregnancy and maternity differently in a negative way? | Y | N | |
| 18b | What existing evidence (either presumed or otherwise) do you have for this? | Community impact assessment completed along with review of existing hirers | | |

| | | | | |
|----|--|---|---|---|
| 19 | Could any negative impacts that you identified in questions 10a to 15b create the potential for the policy to discriminate against certain groups on the basis of protected characteristics? | Y | N | |
| 20 | Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected characteristic. | Y | N | Race: Sex: Disability: Sexual orientation: Age: Gender reassignment: Pregnancy and maternity: Marriage and civil partnership: Religious belief: |
| 21 | How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above? | . | | |
| 22 | Do any negative impacts that you have identified above impact on your service plan? | Y | N | |

| | |
|---|--|
| Signed by completing officer | |
| Signed by Service Lead or Corporate Head of Service | |

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Data Protection Impact Assessment

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

Explain broadly what project aims to achieve and what type of processing it involves.

You may find it helpful to refer or link to other documents, such as a project proposal.

Summarise why you identified the need for a DPIA.

Winchester City Council's Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators aims to clearly outline the procedures for processing and determining applications for hackney carriage and private hire licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The Policy outlines processes defined by the relevant legislation, and local procedures decided by Winchester City Council to ensure public safety. This includes a framework for taking enforcement action where required.

The Policy also seeks to clarify how the Council has had regard to Government guidance, such as the Department for Transport's Statutory Taxi and Private Hire Standards published in July 2020.

Applications require applicants to submit personal data, such as their full name, date of birth, place of birth, national insurance number, home address, telephone number and email address. This data is retained for the period of licence and beyond, in the interests of promoting public safety. Applicants are also required, depending on the type of licence applied for, to submit special category data such as biometric data, data revealing racial or ethnic origin, data concerning health, and criminal offence data. There is a lawful basis for the Council to process special category data and criminal offence data.

The Policy outlines circumstances in which data may be obtained from or shared with other agencies, such as the Police or the Disclosure and Barring Service. Obtaining and sharing personal data outside of the organisation must have a legal basis and appropriate data sharing agreement in place.

I have identified the need for a Data Protection Impact Assessment as the relevant application processes include the collection and retention of personal and sensitive data, which need to be controlled.

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

Personal data collected for each type of licence

Hackney carriage and private hire drivers licences

Personal data

Full name; date of birth; home address; telephone number; email address; national insurance number. Collected on application and every year or every three years depending on the period of licence.

Special category data

Biometric data (used for identification purposes); personal data revealing racial or ethnic origin; and data concerning health. Collected on application and every year, three years or five years depending on the period of licence and the licensee's age (relevant to health data).

Criminal offence data

Criminal activity; allegations; investigations; proceedings; unproven allegations; absence of convictions; personal data about penalties; conditions or restrictions placed on an individual as part of the criminal justice process; and civil measures which may lead to criminal penalty if not adhered to. Data provided by way of an enhanced DBS check (including checks of the Barred Lists). Collected on application and every 6 or 12 months depending on the type of licence, or on request where the authority has a lawful reasons for requiring this.

Hackney carriage and private hire vehicle licences

Personal data

Full name; date of birth; home address; telephone number; email address. Collected on application and every year depending on the period of licence.

Special category data

Biometric data (used for identification purposes); and personal data revealing racial or ethnic origin. Collected on application and every year depending on the period of licence.

Criminal offence data

Criminal activity, Criminal activity; allegations; investigations; proceedings; unproven allegations; absence of convictions; personal data about penalties; conditions or restrictions placed on an individual as part of the criminal justice process; and civil measures which may lead to criminal penalty if not adhered to. Data provided by way of a basic DBS check. Collected on application and every 12 months depending on the type of licence, or on request where the authority has a lawful reasons for requiring this.

Private hire operator licences

Personal data

Full name; date of birth; home address; telephone number; email address. Collected on application and every year or every five years depending on the period of licence.

Special category data

Biometric data (used for identification purposes); and personal data revealing racial or ethnic origin. Collected on application and every year or every five years depending on the period of licence.

Criminal offence data

Criminal activity, Criminal activity; allegations; investigations; proceedings; unproven allegations; absence of convictions; personal data about penalties; conditions or restrictions placed on an individual as part of the criminal justice process; and civil measures which may lead to criminal penalty if not adhered to. Data provided by way of a basic DBS check. Collected on application and every 12 months depending on the type of licence, or on request where the authority has a lawful reasons for requiring this.

Data retention

Personal data is retained for the duration of licence and beyond, in the interests of public safety. Special category data is retained for the duration of licence only. Criminal offence data is retained for the duration of licence only. Email correspondence relating to the application or licence will be retained in accordance with the City Council's Mailmeter system (2 years).

Geographical area affected

Applicants and licensees for a hackney or private hire licence may reside anywhere in the UK; they do not need to be based in the Winchester District.

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

Personal data is collected and retained for the purposes of administering the application process for hackney carriage and private hire licences, for determining the outcome of enforcement cases, and for notifying other licensing authorities of enforcement action taken via data-sharing agreements and/or the NAFN NR3 database.

Any individual providing data to the Council by means of an application form must read and confirm they have understood that their personal data may be lawfully shared with other licensing authorities, the NAFN NR3 database, and Government bodies such as the DfT or DEFRA.

Applicants must declare that they are over the age of 18 or 21 (depending on the type of licence) at the time of making the application. Applications which do not include this declaration will be rejected.

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

Personal data, special category data and criminal offence data is collected in order to determine the outcome of hackney carriage and private hire licences.

Full name, date and birth, address and some special category data may be required to determine the individual's right to work in the UK.

Criminal offence data is required to determine whether the individual is a fit and proper person to hold a hackney carriage or private hire licence.

Special category data relating to health is required to determine whether the individual is a fit and proper person, from a medical perspective, to hold a hackney carriage or private hire licence.

Full name, date of birth, current address, previous addresses, passport number and driving licence number are required to be submitted to the Disclosure and Barring Service to obtain either a basic or enhanced DBS check. The Council is not responsible for processing this data.

The individual applying for a licence benefits from this data collection as it enables the Council to fulfil its statutory obligation to consider applications for hackney carriage and private hire licences, with decisions made that may result in a licence being granted. The public benefit from this data collection as it enables the Council to ensure public safety and the protection of children and vulnerable persons in relation to the hackney carriage and private hire trade.

Collecting personal data, special category data and criminal offence data for these purposes is lawful as per section (6) Schedule 1 Data Protection Act 2018.

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it is not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

Applicants have access to a data sharing statement prior to making an application for a hackney carriage or private hire licence, which outlines the lawful reasons for personal data to be collected and shared. Any individual providing data to the Council by means of an application form must read and confirm they have understood that their personal data may be lawfully shared with other licensing authorities, the NAFN NR3 database, and Government bodies such as the DfT or DEFRA.

The Council proposes to securely share personal data in line with data sharing agreements with other licensing authorities, NAFN, DEFRA and the Home Office as required by law. It may also share special category data and criminal offence data where there is a lawful reason for doing so, such as ensuring public safety.

The City Council's Data Protection Officer will review this DPIA.

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

The Council's lawful basis for collecting and processing personal data in these circumstances is the requirement for it to accept and consider applications for hackney carriage and private hire licences under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The Council has specified the form of applications in line with the requirements of the relevant legislation, policy and conditions, having regard to Government guidance where applicable.

The Council's lawful basis for collecting and processing special category data and criminal offence data is under section (6) Schedule 1 Data Protection Act 2018.

Function creep: Prevented by each application and licence having its own unique reference number on Uniform. The type of reference number specifically relates to the applications for that type of licence and is not shared with any other type of application or licence.

Data minimisation: All data will be adequate to fulfil the requirements for processing applications, relevant only to that type of licence or application, and limited only to what is necessary to determining said applications (including determining whether an individual is fit and proper to hold a licence).

Data quality: The accuracy, completeness and reliability of the data collected depends initially on the applicant's ability to provide quality data. The application forms include mandatory fields for key information essential to the processing of the application. Furthermore, the applicant must declare on the application form that they understand that any false statement made in connection with the application will result in the application being refused or the licence revoked. Only relevant data will be collected; Winchester City Council has specified the form of application in such a way to reduce the amount of personal data collected to the bare minimum required for processing the application.

| Identify and assess risks | | | |
|--|---------------------------|-------------------------|---------------------|
| Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary. | Likelihood of harm | Severity of harm | Overall risk |
| Illegitimate access to personal data held in connection with an application | Possible | Significant | Medium |
| Loss of personal data by City Council | Possible | Significant | Medium |
| Modification of personal data by City Council or third party | Possible | Significant | Medium |

| Identify measures to reduce risks | | | | |
|---|--|-----------------------|----------------------|-------------------------|
| Risk | Options to reduce or eliminate risk | Effect on risk | Residual risk | Measure approved |
| Illegitimate access to personal data held in connection with an application | <ul style="list-style-type: none"> - City Council has secure network, can only be accessed with staff username/password. - Majority of applications submitted electronically, and hard copies are immediately scanned and saved to the secure network with hard copies destroyed confidentially - Personal data only shared with other agencies where there is a lawful requirement to do so, or where it is considered proportionate and necessary to ensure public safety | Reduced | Low | |
| Loss of personal data by Council | Data is subject to organisation's data retention policies. No deletion of data is necessary as the data retention tools in Outlook and IDOX can do this automatically. | Reduced | Low | |
| Modification of personal data by Council or third party | <ul style="list-style-type: none"> - Data does not need to be amended by case officer or any other City Council staff member during the processing of the application, unless the applicant specifically requests that details are updated (i.e. change of address). - Uniform has function that allows officers to record changes to name/address/contact details to ensure an audit trail. | Reduced | Low | |

| Sign off and record outcomes | | |
|---|---------------------------|--|
| Item | Name/position/date | Notes |
| Measures approved by: | | Integrate actions back into project plan, with date and responsibility for completion. |
| Residual risks approved by: | | DPO should advise on compliance, step 6 measures and whether processing can proceed. |
| Summary of DPO advice: | | |
| DPS advice accepted / overruled by: | | If overruled, you must explain your reasons |
| Consultation responses reviewed by: | | If your decision departs from individuals' views, you must explain your reasons |
| Comments: | | |
| This DPIA will be kept under review by: | | The DPO should also review ongoing compliance with DPIA. |

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