



# Winchester

## City Council

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

Version 8 – reviewed June 2019

Winchester City Council  
City Offices  
Colebrook Street  
Winchester  
SO23 9LJ

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## 1 Introduction

- 1.1 This information is intended to provide guidance on the licensing requirements in the Winchester City Council district under the Town Police Clauses Act 1847, as amended, and Part II of the Local Government (Miscellaneous Provisions) Act 1976. Attention is also drawn to certain provisions of the Transport Acts 1980, 1981 and 1985, and Regulations made under the Road Traffic Acts.
- 1.2 It is not intended to be an exhaustive or definitive statement of the law and all drivers, operators and proprietors ~~should~~ **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 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 Institute of Licensing or any other national guidance issued.

## 2 Enquiries

- 2.1 All correspondence, applications and enquiries should be addressed to the Licensing Manager, 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 848 179 / 848 443.~~ 01962 848 188

## 3 Types of Licences

- 3.1 A hackney carriage (taxi) may be used to ply for hire at an authorised taxi rank, pick up passengers when “flagged down” in the street, and when pre-booked.
- 3.2 A hackney carriage may be licensed to carry up to a maximum of 8 passengers.
- 3.3 The number of saloon vehicles is limited. All other hackney carriages must be capable of carrying a wheelchair and passenger. In these cases the number of passengers which may be carried is reduced.
- 3.4 A hackney carriage driver’s licence is a combined licence allowing the holder to drive both hackney and private hire vehicles.

- 3.5 Hackney carriages are also regulated by Byelaws with respect to hackney carriages and conditions made by the 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 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 can be renewed for one year or three years. New Private hire Operator licenses 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](http://www.winchester.gov.uk/licensing)

## 5 Hackney Carriage Vehicles

- 5.1 When first presented for licensing as a hackney carriage, the vehicle must be within certain age limits:
- a All vehicles, both saloon and purpose built, when licensed for the first time must be less than three years from the date of first registration. ~~The Vehicle can remain in use for six years from the date of first registration after which it may~~The vehicle must be renewed on a year by year basis at the discretion of an Authorised Officer.
  - b All hackney carriage vehicles presented for licensing for the first time must be wheelchair accessible vehicles (WAV), except in cases where the vehicle is to replace an existing saloon vehicle which is already licensed.
  - c ~~Once the Vehicle is six years old and every year thereafter, the vehicle<sup>[LT1]</sup> must be presented to an Authorised Officer for an inspection for its appearance and suitability prior to testing at the nominated garage and renewal of the licence. Any vehicle that is not to the satisfaction of an Authorised Officer must be repaired, prior to the expiry date, or replaced, subject to the age limits above.~~
- 5.2 Purpose built and conversion vehicles should also be capable of carrying a wheelchair securely with seats that slide on rails, or individual seats that can be removed, or flip down seats, to allow more room for luggage and wheelchairs or both. The first row of seats behind the driver must not be a bench seat.
- 5.3 All vehicles, other than saloons, must be capable of carrying a wheelchair and its passenger, and a minimum of three other passengers, and at least five passengers at any other time.
- 5.4 A converted vehicle must meet “M1” specification and should have a certificate of conversion from a reputable company and a voluntary Individual Vehicle Approval (IVA) application must be submitted to 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.
- 5.5 Wheelchairs must be capable of being secured in the vehicle with the passenger in a forward or rearward facing position.
- 5.6 Saloon vehicles must be capable of carrying four passengers.
- 5.7 Prior to licensing, 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 and condition test. These must be

carried out at a testing station specified by the Licensing Authority.

5.8 The Vehicle may be called in for inspection at any time by an Authorised Officer to ensure compliance. Failure to attend and show any documentation as requested may lead to suspension or revocation of licence under Section 68 of the Act.

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

5.10 The engine capacity must be not less than 15600 cc. The Head of Licensing 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 15600cc vehicle, or, where the vehicle is environmentally friendly.

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

5.12 Where a licensed vehicle is involved in an accident and classes as a 'write off' under Category G S or D 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.

5.13 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.

5.12—

## 6 Private Hire Vehicles

~~a6.1~~ When first presented for licensing as a private hire vehicle, ~~the vehicle must be within certain age limits:~~ all vehicles, both saloon and purpose built, when licensed for the first time must be less than five years from the date of first registration. The Vehicle can remain in use for six years from the date of first registration after which it may be renewed on a year by year basis at the discretion of an Authorised Officer.

~~b~~ Once the Vehicle is six years old and every year thereafter, the vehicle must be presented to an Authorised Officer for an inspection for its appearance and suitability prior to testing at the nominated garage and renewal of the licence. Any vehicle that is not to the satisfaction of an Authorised Officer must be repaired, prior to the expiry date, or replaced, subject to the age limits above.

~~e6.2~~ A converted vehicle should have a certificate of conversion from a reputable company and will not be accepted without such a document.

~~da~~ In exceptional circumstances these age limits may be waived. For example, a classic car ~~or executive vehicle~~ in excellent condition which will be used for special events.

6.3 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 must be submitted to 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.

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

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

6-26.6 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 and condition test These must be carried out at a testing station specified by the Licensing Authority.

~~6-36.7~~ The engine capacity must be not less than ~~4600~~ 1500cc. The ~~Head of Licensing 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 ~~4600cc~~ 1500 cc vehicle, or, where the vehicle is environmentally friendly.

~~6-46.8~~ In exceptional circumstances, an exemption certificate may be granted to dispense with the requirement to display the licence plate. This will

only be granted where satisfactory proof of “executive hiring” has been received by the 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 being refused or withdrawn.

~~6.56.9~~ All vehicles must be right hand drive. In exceptional circumstances a licence may be granted for a left hand drive vehicle.

~~6.10~~ Where a licensed vehicle is involved in an accident and classed as a ‘write off’ under Category C or D, all vehicles must pass a further mechanical inspection check by a nominated testing station and paperwork provided to the Licensing section before the vehicle is returned for use to carry passengers for hire. 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.

6.11 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.

## **7 Private Hire Operators**

- 7.1 A private hire operator dispatches a private hire vehicle to a customer. An operator may have just one or a fleet of vehicles under his their control.
- 7.2 An applicant for a private hire operator licence must be a “fit and proper person” to hold such a licence.
- 7.3 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.
- 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 must supply a Basic Disclosure from the Disclosure and Barring Service (DBS). The disclosure is required on application for the grant of a licence and every three years thereafter.

~~7.6 A Basic Disclosure can be obtained either online at :-  
[www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) or an application form can be requested by telephone — 0870 609 6006 or by writing to :-  
 Disclosure Scotland  
 PO Box 250  
 Glasgow  
 G51 1YU~~ A basic disclosure can be obtained from Personnel Checks  
[www.personnelchecks.co.uk](http://www.personnelchecks.co.uk) Telephone 01264 355679  
 7.6 — Alternatively through [www.gov.uk](http://www.gov.uk) Telephone 0300 0200 190.

7.7 An applicant for a private hire operator licence who also holds, or is applying for a private hire driver licence, is required to have an enhanced 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.

7.8 All private hire operators must provide to the Licensing Authority, names and addresses of any staff employed to make the provision for bookings on their behalf. These staff (non licensed drivers) must provide a basic disclosure DBS certificate to the Licensing Authority section prior to the start of employment.

~~7.7.9~~ 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 complaint 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 what staff member.

~~7.8.7.10~~ In order for the Licensing Authority to review the conduct of new private hire operator licence holders, new applicants will be granted a licence for one or five years. ~~On renewal, a licence may be granted for one year or five years, depending on the case.~~ 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

- a Licence holders will need to be able to ~~deal~~ 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 ~~the written knowledge test and 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 ~~sign the Licensing Authority's consent form~~ allow Officers the Licensing Authority to check their Driving Licence online: - The Authority will check vehicles the applicant is entitled to drive and any penalty points or disqualifications. Failure to consent to 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.
- 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 ~~All new applicants must supply details of two referees from whom references may be obtained by the Licensing Authority. Referees must not be a member of the applicant's family or connected with the taxi trade. At least one reference should be from a previous employer.~~

~~b~~ Applicants who were not born in the U.K. and/or have not lived in the U.K. for past 10 years continuously -must supply a certificate of good conduct from their embassy, ~~or~~ home country or from the country in which they have been living. ~~This certificate must be no more than two months old when submitted to this Council. 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 suppling 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 Disclosure and Barring Service (DBS) Check

~~a~~ All applicants must apply for an enhanced DBS check using the Council's approved provider only. ~~complete and submit with their application a Disclosure and Barring Service application form for an enhanced check. 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~~ ~~This form is submitted to the DBS by the countersignature for the Council, Authorised Officers will review any convictions disclosed and this will be taken into account in when deciding whether or not to grant the application in accordance with the Policy on Criminal Convictions. ~~The Head of Environmental Health & Licensing~~ Any Authorised Officer may also contact the Police for further information surrounding a conviction, ~~or~~ caution, arrest or any other police investigation that has involved the applicant ~~and use this~~ 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 ~~and on renewal every three years.~~~~

~~ac~~ Notwithstanding the Licensing Authority's requirements for a Disclosure and Barring Service check, applicants **MUST** disclose full details of any criminal convictions (including any "spent" convictions under the Rehabilitation of Offenders Act 1974), ~~or~~ cautions, arrest or any other police investigation on the application form. ~~An applicant's f~~Failure to disclose this information convictions or cautions which are that is subsequently disclosed under the Disclosure and Barring Service check or discovered by any other means will be taken into account when considering their application. Failure to notify 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 to register with the DBS online system, ~~which allows, with the applicant's permission~~ The applicant and any current driver must permit, Officers an Authorised Officer to check their DBS status at regular intervals at the discretion of the Council and in line with national guidance. ~~every three years, without the requirement to complete a new DBS application form.~~ The Council may also authorise their current DBS provider to carry out status checks of any Council licensed driver's DBS at regular intervals. A refusal by any applicant, 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.
- be Where the DBS online system shows that there has been a change to the applicant's record, a new enhanced DBS application will be required. ~~must be completed and countersigned by a Licensing Officer.~~
- e In the case of renewals, where an applicant is unable to produce a satisfactory 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.

#### 8.6 Safeguarding

- da 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 as part of the application process.
- eb All Hackney Carriage or 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.
- f All Operators licensed before 25 February 2019 and their employees who act as an operator on their behalf must pass the Council's approved safeguarding 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
- d All Drivers, Operators and their employees will be required to update their safeguarding training upon the Council's request using a Safeguarding Training Provider/assessment approved by the Council.

### 8.68.7 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, ~~are exempt from this requirement which is to the satisfaction of the Licensing Department.~~
- ~~ac~~ The Licensing Sub-Committee and the Head of Environmental Health & Licensing are authorised to 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.

### 8.78.8 Wheelchair Assessment

- a Any 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. A pass certificate must be presented to the Licensing Authority Department.

### 8.9 Wheelchair exemptions

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

### 8.88.10 Knowledge Test.

- a All applicants are required to take and pass the Private Hire and Hackney Carriage Knowledge Tests. Tests are conducted by the Licensing Authority on a regular basis, ~~usually once a month.~~ 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 Test can be found on the Council's website at [www.winchester.gov.uk/licensing](http://www.winchester.gov.uk/licensing).
- ~~b Private Hire Knowledge Tests are used to examine an applicant's knowledge of streets, public houses, hotels and other important locations within the Winchester Town area (i.e the six Town Wards~~

- ~~together with Oliver's Battery and Badger Farm, Kings Worthy, Headbourne Worthy and Littleton and Harestock) — in addition to the other town and villages within the Council's district.~~
- c ~~Hackney Carriage Knowledge Tests are used to examine an applicant's knowledge of the whole of the Winchester City Council area which runs from Sutton Scotney to the north, Portsdown Hill to the south, Hursley to the west and West Meon to the east.~~
- d ~~In relation to 8.7 a and b above, applicants must detail the shortest available route.~~
- e ~~The test may contain a basic numeracy element to ensure that the driver can give the correct change for a fare. The test may also include questions about Hackney Carriage and Private Hire legislation; the Council's Policy and Conditions; safeguarding and disability awareness.~~
- f The Head of Environmental Health & Licensing 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.
- g The pass mark for all tests is 80% in each section.
- ~~h — If an applicant fails the private hire and/or hackney carriage knowledge test three times, the applicant must wait a period of no less than 6 months from the date of the third test before taking another test.~~
- ih \_\_\_\_\_ Where an applicant applies to work for an operator who does not primarily provide a service in the Winchester Town area (i.e the five six Town Wards together with Oliver's Battery & Badger Farm, Kings Worthy, Headbourne Worthy and Littleton and Harestock and the The Worthys), certain modules of the test may not be required, ~~i.e. shortest routes, but will be required to do so if they transfer to a Winchester operator.~~
- ji \_\_\_\_\_ Where an applicant or current driver opts to amend their working practices in order to work for, or as, a Winchester Operator primarily in the Winchester Town area then they shall notify the Licensing Authority and pass the relevant knowledge test prior to commencement.
- kj \_\_\_\_\_ Drivers licensed for 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.
- hk \_\_\_\_\_ 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.

- m) ~~The Head of Environmental Health & Licensing 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.
- nm) 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.

#### ~~8.98.11~~ Practical Knowledge Test

- a) All new applicants who have passed ~~the DSA Taxian 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 good-practical knowledge of the area, ~~whilst driving their vehicle~~. Should the applicant demonstrate a poor knowledge of the area, they will not be issued with a licence and are advised to spend a reasonable amount of time driving around Winchester and surrounding areas, before making a further appointment to demonstrate their increased knowledge.
- b) The licensing officer will determine whether an applicant has demonstrated a goodpractical knowledge of the area to which the application applies.

#### ~~8.108.12~~ Medical Fitness

- a) All applicants must undergo and pass a medical examination that meets the DVLA Group 2 Medical Standard of fitness to drive with regard to their fitness to carry fare paying passengers and ~~with regard to their fitness to carry fare paying passengers 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) Such A medical examination is to be carried out on initial application and every fifth year thereafter until the age of 63 years and 65 years; and every year thereafter.
- c) The examination must take place at the surgery where the applicant is registered in order that the examining doctor has access to their medical records, or at another surgery provided that the examining doctor has access to the applicant's medical records.
- d) ~~The Licensing Sub-Committee and the Head of Environmental Health & Licensing Any Authorised Officer~~ have has the discretion to may require any licensed driver hackney carriage or private hire driver to

undergo a medical examination with an the Council's approved medical provider, where satisfied that a condition has arisen which might affect the person's fitness to drive a licensed vehicle, as a licenced Taxi driver to hold a licence. This may result in the current driver's licence being suspended or revoked.

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

f Where the applicant has been diagnosed with Diabetes Mellitus, other than treatment 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 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.

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

~~h complete loss of vision in one eye or corrected acuity of less than 3/60 in one eye will the application being refused current 's licence being from holding a hackney carriage or private hire driver licence.~~

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

~~j Persons who have held a hackney carriage or private hire driver licence prior to 1 January 1991, AND where the licensing officer was aware of the loss of sight in one eye before that date are exempt from "h" above.~~

#### 8.118.13 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.

| 8.128.14 Duration of licence

- a In order for the Licensing Authority to review the conduct of new hackney carriage and/or private hire drivers, new licences are granted annually for the first 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 and Operators**

### **9 Criminal Convictions Policy**

9.1 This Policy applies to the following:-

- a Applications for a Hackney Carriage or Private Hire Driver's Licence;
- b Revocation of an existing Hackney Carriage or Private Hire Driver's Licence;
- c Suspension of an existing Hackney Carriage or Private Hire Driver's Licence.

9.2 Each case will be decided on its own merits. All decisions will be in the interests of ~~ensuring the safety of the public.~~ public safety.

9.29.3 **A 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.**

~~9.39.4~~ A person with a conviction for certain crimes will not normally be permanently barred from obtaining a licence but is expected to remain free of conviction for between ~~35~~ and 10 years, depending on the seriousness of the offence and the relevant circumstances, before an application is considered. However, persons with convictions of a sexual or child-related nature or other very serious crime will not normally be issued with a licence. (See table at Appendix A)

~~9.49.5~~ 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.

~~9.59.6~~ 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.

#### Offences resulting in Death

~~9.69.7~~ 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

9.79.8 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 exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### Offences involving violence

9.89.9 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

9.99.10 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 offence can expect their licence to be revoked.

### Sex and indecency offences

9.109.11 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 offence can expect their licence to be revoked.

9.119.12 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

9.129.13 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 offence can expect their licence to be revoked.

### Drugs

9.139.14 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 offence can expect their licence to be revoked.

9.149.15 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 offence can expect their licence to be revoked.

### Discrimination

9.159.16 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 offence can expect their licence to be revoked.

### Motoring convictions

9.169.17 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 grant of a licence or may not result in action against an existing licence. 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.

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

9.179.18 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 offence can expect their licence to be revoked.

9.19 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 offence can expect their licence to be revoked.

### Other motoring offences

9.189.20 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 imposed.

9.199.21 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 imposed. Any current driver convicted of this offence can expect their licence to be revoked.

### Hackney carriage and private hire offences

9.209.22 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 offence can expect their licence to be revoked.

### Vehicle use offences

9.23 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 offence can expect their licence to be revoked.

9.21

9.229.24 Applications would not normally be approved from licensed drivers who had been convicted of an offence **specified in Appendix A, Tables 2 to 5, of the Policy. This was** 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

~~9.23 A person who has received a caution for certain crimes will not normally be barred from obtaining a licence but each case will be considered on its merits in accordance with this policy. As cautions are administered for the less serious offences and the person will have admitted the offence and agreed to receive a caution, a licence may be issued but strict warnings will be given as to future behaviour.~~

9.249.25 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.

~~9.259.26 The Head of Environmental Health & Licensing 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".

~~9.269.27 The Head of Environmental Health & Licensing An Authorised Officer~~ has delegated authority to issue Drivers' Licences. In any case where he or she considers it appropriate, he or she may refer the application to the Licensing Sub-Committee for a determination as to whether or not an application for a licence should be granted or, where a licence has already been granted, whether that licence should be suspended or revoked.

9.279.28 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.

9.289.29 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.

9.299.30 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.

~~9.30 — A table of offences and the number of years an applicant is required to be free of conviction before an application will be considered is shown at Appendix A. This list is not exhaustive and individual cases will be judged on their own merits.~~

9.31 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 — Specific Examples Of Offences (See Appendix B)~~

### ~~10.1 — Minor Traffic Offences~~

~~a — An applicant with one conviction or fixed penalty notice for a minor traffic offence e.g. obstruction, waiting in a restricted street, speeding, etc would not normally be prevented from proceeding with an application. If an applicant has two or more convictions or fixed penalty notices for minor driving offences, the application may be refused. Any new applicant must have held a full driver’s licence for a period of 12 months without any period of suspension during those 12 months.~~

~~b — An existing licence holder convicted of such offences may be warned as to future conduct, and informed that any disqualification may lead to revocation of any hackney carriage or private hire licence issued by the Licensing Authority. In addition, an existing licence holder may be required to take (or retake) a driving assessment test or training, which is considered appropriate e.g. Blue Lamp Trust.~~

### ~~10.2 — Major Traffic Offences~~



- a — ~~An applicant with one conviction for a major traffic offence in the past will not normally be prevented from proceeding with an application. At least three years should elapse from conviction or restoration of the DVLA driving licence, whichever is the longer, before an application is considered for a hackney carriage or private hire licence and strict warnings will be given as to future behaviour. More than one conviction or caution for such offences will raise doubts as to an applicant's fitness to hold a hackney carriage or private hire driver's licence. Such applications will normally be refused.~~
- b — ~~An existing licence holder may be required to take (or retake) a driving assessment test or training, which is considered appropriate e.g. Blue Lamp Trust. In serious cases, the licence may be revoked. No further application will then be considered for at least three years from the time of the conviction, or restoration of the DVLA driver licence, (whichever is longer).~~

#### ~~10.3 Driving Under Influence of Drink or Drugs~~

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

#### ~~10.4 Insurance Offences~~

- a — ~~A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An applicant with one offence in the past will not necessarily prevent the issue of a licence to an applicant provided at least three years have elapsed since the conviction, or the restoration of the DVLA driver licence, whichever is the longer, but strict warnings will be given as to future behaviour.~~
- b — ~~More than one insurance related conviction will raise grave doubts as to the applicant's fitness to hold a hackney or private hire licence. At least~~



~~five years should elapse after conviction or the restoration of the DVLA driving licence, whichever is the longer, before an applicant is considered for hackney carriage or private hire licence.~~

- ~~c — Any applicant with three insurance offences or more will not be considered fit and proper to hold a hackney carriage or private hire licence with the Council. Such applications will normally be refused or in the case of an existing driver, the licence may be revoked.~~
- ~~d — An existing driver found guilty of driving passengers for hire and reward whilst without insurance will have his/her driving licence revoked immediately and be banned from holding a hackney carriage or private hire driver licence with the Council for five years from conviction or restoration of the DVLA driver licence whichever is the longer.~~

#### ~~10.5 — Drugs~~

- ~~a — An applicant with a conviction for a drug related offence is required to show a period of between four and six years free of convictions depending on the circumstances before any application is entertained.~~
- ~~b — An existing driver found guilty of a drug related offence may have his/her driving licence revoked immediately and no application will be considered until a period of between four and six years free of conviction has elapsed, depending on the circumstances.~~

#### ~~10.6 — Violence~~

- ~~a — As hackney carriage and private hire drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for assault. Depending on the circumstances a minimum of between three and eight years free of conviction should be shown before an application is considered and even then a strict warning will be administered. An existing licence holder can expect his/her licence to be revoked if convicted of these offences.~~

#### ~~10.7 — Serious Offences~~

- ~~a — Any applicant with a conviction for a serious offence listed in Appendix A, Table 1 will not be considered fit and proper to hold a hackney carriage or private hire driver licence with the Council.~~
- ~~b — An existing licence will be revoked if the holder is convicted of any of these offences.~~

#### ~~10.8 — Indecency~~

- ~~a — As hackney carriage and private hire drivers often carry unaccompanied passengers, licence holders with a conviction for~~

~~indecenty will have their licence revoked and applicants will not be considered for the grant of a licence until a period of between five and eight years has elapsed since conviction depending on the circumstances. A strict warning of future conduct will be given if a licence is subsequently granted.~~

#### ~~10.9 Dishonesty~~

~~a Licence holders are expected to be trustworthy. The widespread practice of unaccompanied deliveries for companies, taking unaccompanied children to school, and being aware of empty homes when driving passenger to the airport when going away on holiday, demonstrates the degree of trust placed on drivers. It would be easy for dishonest drivers to defraud passengers by taking them by other than the shortest route or foreign visitors when giving change. Lost property could be kept by unscrupulous drivers. For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of between three and up to six years for some offences free of conviction will be required before an application for a hackney carriage or private hire drivers licence is considered by the Licensing Authority. Any existing driver convicted of dishonesty may expect any licence held to be revoked.~~

#### ~~10.10 Drunkenness~~

~~a An isolated conviction for drunkenness need not debar an applicant from being granted a licence, nor will it automatically be a ground for revoking or suspending an existing licence. However, two or more convictions for drunkenness could indicate a medical problem necessitating a clinical examination. (Convictions for drunkenness should not be confused with the more serious offence of driving while under the influence of alcohol).~~

#### ~~10.11 Scanners~~

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

## 4110 Enforcement and Compliance

41.410.1 Holders of Hackney Carriage and Private Hire Operators, Drivers and Vehicles licences are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, the Council's Byelaws and Conditions.

41.210.2 If Operators, Drivers or Proprietors of Vehicles commit an offence or breach of those rules, regulations or conditions of licence, persons involved may be asked to attend the Council offices for an interview and, when investigations are completed, may receive a letter detailing the outcome. A copy is placed on the person's file. The outcome of investigations may result in immediate revocation or suspension of any licence, no further action, being taken, penalty points being awarded, a formal warning or being given, referral to the Licensing Sub-Committee and/or prosecution.

41.310.3 The aim of a penalty points scheme is that it should work in conjunction with other enforcement options. It provides a formalised, stepped, enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of a licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person to hold a licence. It does not prejudice the Council's ability to take other action.

41.410.4 The primary objective of the penalty points scheme is to improve the levels of compliance and help improve standards, and to ensure the safety and protection of the travelling public.

41.510.5 Any penalty points imposed remain on a person's record for a twelve month period. This period is on a roll-forward basis, so as to allow any points imposed 12 months or more earlier to be considered as spent and therefore excluded from the running total recorded against any individual licence holder.

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

## 4211 Issue of Penalty Points

42.411.1 ~~Complaints by the public concerning breaches of conduct~~ Breaches of conduct will be subject to investigation by Authorised Officers and may be reported to the Licensing Sub-Committee. Penalty points may be issued by an Authorised Officer. Alternatively, the Licensing Sub-Committee can impose between 1 and 12 for the imposition of discretionary points ~~These are the offences shown in the table where the points which may be awarded are 1-12 as shown in the table. The points table is to be used as a guide only, the Licensing Manager Authorised Officer or Licensing Sub-Committee can depart from this table to award points for any offence or behaviour that is not covered.~~

- 42.211.2 Where a licence holder accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Council's Licensing Sub-Committee to decide whether the licence holder is a fit and proper person. The Licensing Sub-Committee may then revoke a licence, or issue a warning to the licence holder, depending on the circumstances. 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.
- 42.311.3 Penalty Points will remain current for 12 months from the date the penalty points are issued. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing within 10 working days from the discovery of the contravention.
- 42.411.4 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.
- 42.511.5 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.
- 42.611.6 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.
- 42.711.7 If points are issued to a proprietor/driver for a matter which is also a criminal offence, eg bald tyres, no badge, those person(s) will not then be the subject of a prosecution by the Council.
- 42.811.8 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	✓	✓

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
3	Refusal to accept hiring without reasonable cause eg drunk or rude customer	1-12	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	✓	
5	Plying for hire by Private Hire drivers.	9	✓	✓
6	Failure to hold a current vehicle excise licence (road tax).	9	✓	✓
7	Using unlicensed vehicle or vehicle without insurance.	12		✓
8	Failure to produce relevant documents within timescale when requested by an authorised officer.	4	✓	✓
9	Unsatisfactory condition of vehicle, interior or exterior.	4	✓	✓
10	Failure to produce MOT certificate when requested.	6	✓	✓
11	Failure to produce Hackney Carriage or Private Hire vehicle for testing when required	6	✓	✓
12	Failure to provide proof of insurance cover when requested.	4		✓
13	Using a vehicle subject to a suspension order issued by an authorised officer or a police officer.	12	✓	✓
14	Using a vehicle for which the licence has been suspended or revoked.	12	✓	✓
15	Failure to report, in writing, within 72 hours accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions.	4	✓	✓
16	Carrying more passengers than stated on the vehicle licence.	6	✓	
17	Failure to display external/internal licence plate or signs as required.	4	✓	✓
18	Carrying an offensive weapon in the vehicle.	12	✓	
19	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence.	4		✓

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
20	<del>Failure to carry fire extinguisher.</del>	4	✓	✓✓
21	<del>Failure to carry first aid kit.</del> <u>Unnecessarily Idling of Hackney Carriage or Private Hire vehicle</u>	3	✓	
22	Displaying unsuitable or inappropriate sited signs or advertisements in the vehicle.	3		✓
23	Failure to use authorised roof light	4	✓	
24	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.	4		✓
25	Failure to produce on request records of drivers work activity.	4		✓
26	Using a non approved or non-calibrated taximeter.	6	✓	✓
27	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle.	12	✓	✓
28	Displaying any feature on private hire vehicle that may suggest that it is a taxi.	6		✓
29	Failure to carry an assistance dog without requisite exemption.	12	✓	✓
30	Driver not holding a current DVLA Licence.	12	✓	✓
31	Failure to wear driver's badge.	4	✓	
32	Failure to notify, in writing, a change in medical circumstances.	6	✓	✓
33	Unsatisfactory appearance of driver.	3	✓	
34	Failure to observe rank discipline. (Hackney Carriage)	3	✓	
35	Leaving an unattended Hackney Carriage on a taxi rank	3	✓	
36	Failure to maintain proper records of private hire vehicle.	3		✓
37	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced.	6		✓
38	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓
39	Failure to issue receipt on request.	1-12	✓	✓

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
40	Failure to return vehicle licence plate within 7 days after due notice following revocation or suspension of such licence.	4		✓
41	Unsatisfactory behaviour or conduct <u>of driver</u> .	1-12	✓	✓
42	Failure to notify the Licensing Authority, in writing, of any motoring or criminal convictions within 21 day of conviction or cautions during period of current licence.	6	✓	✓
43	Failure to give assistance with loading/unloading.	1-12	✓	✓
44	Failure to display fare card.	3	✓	✓
45	Failure to carry legal spare wheel and tools, or suitable tyre reinflation device.	4	✓	✓
46	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	✓
47	A licensed vehicle with a bald tyre.	4 per tyre	✓	✓
48	Failure to submit licence renewal application including documents and attendance at a vehicle inspection.	6	✓	✓
49	Failure to comply with any other conditions	3	✓	✓
50	Waiting or stopping on a double yellow line area, <u>restricted parking</u> , bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle.	3	✓	
51	Use of hand held mobile device (eg mobile phone) whilst driving licensed vehicle	<u>63</u>	✓	
52	Smoking in licensed vehicle	3	✓	
53	Points awarded by Licensing Sub-Committee where matters referred to them for decision.	4-12	✓	✓
54	Private hire vehicles stopped or waiting on a taxi rank	3	✓	

## APPENDIX A

### ~~Hackney Carriage and Private Hire Driver's Licences Criminal Convictions Table of Offences~~

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

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

**Table 1. Offences where a licence will automatically be refused or a current licence will be revoked**

Murder
Manslaughter
Manslaughter or Culpable Homicide while Driving
Grievous Bodily Harm with intent - Section 18
Robbery
Criminal Damage with intent
Arson with intent
Rape
Indecent Assault on a Child Under 16 yrs

**Table 2. Offences where a licence will automatically be refused, or a current licence will be revoked and no further application entertainment until the requisite number of years have elapsed**

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



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

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

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

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

**Offences covered under minor traffic convictions** (See Paragraph 10.1)

- AC10 — Failing to stop after an accident  
 AC20 — Failing to give particulars or report an accident within 24 hours.  
 AC30 — Undefined accident offence  
 CU10 — Using vehicle with defective brakes.  
 CU20 — Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.  
 CU30 — Using a vehicle with defective tyres.  
 CU40 — Using a vehicle with defective steering.  
 CU50 — Causing or likely to cause danger by reason of load or passengers.  
 CU60 — Undefined failure to comply with Construction and Use Regulations.  
 CU80 — Using a mobile phone whilst driving  
 LC10 — Driving without a licence.  
 MS10 — Leaving a vehicle in a dangerous position.  
 MS20 — Unlawful pillion riding.  
 MS30 — Playstreet Offences.  
 MS40 — Driving with uncorrected defective eyesight or refusing to submit to a test.  
 MS50 — Motor racing on the highway.  
 MS60 — Offences not covered by other codes.  
 MS70 — Driving with uncorrected defective eyesight.  
 MS80 — Refusing to submit to an eyesight test.  
 MW10 — Contravention of Special Road Regulations (excluding speed limits).  
 PC10 — Undefined Contravention of Pedestrian Crossing Regulations.  
 PC20 — Contravention of Pedestrian Crossing Regulations with moving vehicle.  
 PC30 — Contravention of Pedestrian Crossing Regulations with stationary vehicle.  
 PL10 — Driving without 'L' plates.  
 PL20 — Not accompanied by a qualified person.  
 PL30 — Carrying a person not qualified.  
 PL40 — Drawing an unauthorised trailer.  
 PL50 — Undefined failure to comply with conditions of a Provisional Licence.  
 SP10 — Exceeding goods vehicle speed limit.  
 SP20 — Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles).  
 SP30 — Exceeding statutory speed limit on a public road  
 SP40 — Exceeding passenger vehicle speed limit.  
 SP50 — Exceeding speed limit on a motorway.  
 SP60 — Undefined speed limit offence.
- TS10 — Failing to comply with traffic light signals.  
 TS20 — Failing to comply with double white lines.  
 TS30 — Failing to comply with a 'Stop' sign.  
 TS40 — Failing to comply with direction of a constable or traffic warden.  
 TS50 — Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines).  
 TS60 — Failing to comply with school crossing patrol sign.  
 TS70 — Undefined failure to comply with a traffic direction or sign.

### **Offences covered under major traffic convictions (See Paragraph 10.2)**

- CD10 — Driving without due care and attention.
- CD20 — Driving without reasonable consideration for other road users.
- CD30 — Driving without due care and attention or without reasonable consideration for other road users.
- DD40 — Dangerous driving
- IN10 — Using a vehicle uninsured against third party risks.  
(see paragraph 10.4)
- BA10 — Driving while disqualified by order of Court.
- BA20 — Driving while disqualified as under age.

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

- DD60 — Manslaughter or culpable homicide while driving a vehicle.(see under violence)
- DD70 — Causing death by reckless driving.
- UT10 — Taking or driving away a vehicle without consent or an attempt thereat
- UT20 — Stealing or attempting to steal a vehicle
- UT30 — Going equipped for stealing or taking a vehicle
- UT40 — Taking or attempting to take a vehicle without consent, driving or attempting to drive a vehicle knowing it to have been taken without consent, allowing oneself to be carried in or on a vehicle knowing it to have been taken without consent

### **Offences for driving a motor vehicle under the influence of drink or drugs (See Paragraph 10.3)**

- DR10 — Driving or attempting to drive with alcohol level above limit.
- DR20 — Driving or attempting to drive while unfit through drink or drugs.
- DR30 — Driving or attempting to drive then refusing to supply a specimen for analysis.
- DR40 — In charge of a vehicle while alcohol level above limit.
- DR50 — In charge of a vehicle while unfit through drink or drugs.
- DR60 — In charge of a vehicle then refusing to supply a specimen for analysis.
- DR70 — Failing to provide a specimen for breath test.

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

## Glossary

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

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

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

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

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

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

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

**“the Licence Holder”** means the holder of the Hackney Carriage and/or Private Hire Driver’s or vehicle licence.

**“the Licensing Authority”** means the licensing section of Winchester City Council.

**“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.

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

**“Winchester Town”** - the ~~six~~Five Town Wards ~~together with~~ Plus Oliver’s Battery ~~&and~~ Badger Farm, ~~and~~ The Worthys. ~~Kings Worthy, Headbourne Worthy and Littleton and Harestock.~~