



EAST HAMPSHIRE DISTRICT COUNCIL

POLICY STATEMENT

HACKNEY CARRIAGE AND PRIVATE HIRE
LICENSING

May 2015

EAST HAMPSHIRE DISTRICT COUNCIL

POLICY STATEMENT

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

CONTENTS

Paragraph	Title	Page Number
	Title Page	1
	CONTENTS	2
1.	INTRODUCTION	3
2.	ENFORCEMENT AND COMPLIANCE	4
3.	LICENSING FEES	4
4.	TABLE OF HACKNEY CARRIGE FARES	5
5.	TAXI RANK PROVISION	5
6.	ILLEGALLY PLYING FOR HIRE	5
7.	DECISIONS OF THE LICENSING OFFICER, LICENSING COMMITTEE AND APPEALS PROCEDURE	6
8.	DATA PROTECTION	6
9.	CRIME AND DISORDER ACT	7
10.	CONSULTATION	7
11.	REVIEW	7
12.	REQUIREMENTS FOR DRIVERS	7
13.	REQUIREMENTS FOR VEHICLES	18
14.	REQUIREMENTS FOR OPERATORS	24

Version	1.0	Date	15/05/15	Control	Draft for public consultation

1. INTRODUCTION

1.1 The purpose of this Policy is to set out how East Hampshire District Council (the Council) as a Licensing Authority, intends to carry out the licensing and control of Hackney Carriage (Taxi) and Private Hire (PH) trades within the District.

1.2 The overriding objective of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure:

- That a licence holder is a fit and proper person
- That the licence holder does not pose a threat to the public
- That the public are safeguarded from a dishonest person, and
- The safeguarding of children, young and vulnerable persons.

1.3 The following legislation allows the Licensing Authority to fulfil its aim:

- Section 37 of the Town Police Clauses Act 1847
- Section 45 of the Local Government (Miscellaneous Provisions) Act 1976.

1.4 In addition, byelaws which apply to the district of East Hampshire District Council have been made under Section 68 of the Town Police Clauses Act 1847, Section 65(7) of the Local Government (Miscellaneous Provisions) Act 1976 and Section 171 of the Public Health Act 1875.

1.5 The Licensing Authority has a responsibility to ensure all operators and drivers are fit and proper to hold licences, and vehicles safe before they are allowed to operate. Conditions, which are attached and form part of this Policy will apply to licences to ensure public safety is protected.

1.6 This policy provides guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licenses,
- Existing licensed drivers whose licences are being reviewed,
- Licensing Officers,
- Members of the Licensing Committee, and
- Magistrates hearing appeals against local authority decisions.

1.7 Where Licensing Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee. Whilst Officers and the Committee will have regard to the guidelines contained in the Policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee or Officer may depart from the guidelines.

2. ENFORCEMENT AND COMPLIANCE

2.1 Enforcement and compliance activity will adhere to the Council's Licensing Enforcement Policy. The principles of this Policy are based on the Regulators Compliance Code. This Code uses the four pillars of openness, proportionality, consistency and helpfulness.

2.2 The purpose of compliance and enforcement action is to:

- Protect the public,
- Change the behaviour of offenders,
- Deter future non-compliance, and
- Provide a fair trading environment for compliant businesses.

2.3 The Licensing Enforcement Policy includes the provision to issue Penalty Points. The primary objective of the Penalty Points scheme is to improve the level of compliance amongst licensed drivers, taxi proprietors and private hire vehicle operators. The scheme will act as a record of a licence holder's behaviour and conduct during a fit and proper person assessment

2.4 The Penalty Points scheme does not prejudice the Licensing Authority's ability to take other forms of action, such as:

- Offering advice, verbal warnings/requests for action, the use of letters and the issue of licensing inspection reports,
- Issuing a formal caution,
- Suspension and revocation of licences, and
- Prosecution.

2.5 Test purchasing operations may be used as a part of the Licensing Authority's overall strategy to assess and improve compliance with requirements and conditions.

3. LICENSING FEES

3.1 Dependant on the specific licence, the fees include elements for administration costs and compliance, which will be reviewed annually in accordance with statutory provisions, normally in line with the Council's fees and charges setting process. Applicants will be advised of the fees and charges at the time of application or upon request.

3.2 Any variation to fees will be subject to public consultation, as required by the relevant legislation, and will be approved by the Council's Licensing Committee.

4. TABLE OF FARES

4.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 states that *“a district council may fix the rates or fares within the district for a time as well as a distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.”*

4.2 By ‘fixing’ the fares, the Licensing Authority is setting the maximum fare that taxis can charge; taxi drivers may charge less if they choose. Extra charges not listed within the table of fares may not be charged. In practice, it is customary for taxi drivers to set the fares at the rate fixed by the Licensing Authority.

4.3 The Licensing Authority’s Table of Fares will be reviewed annually in December.

4.4 The review of fares will take into account feedback from the public, trade and other bodies, review of motoring costs such as fuel prices, licensing fees, and a comparison with fares set by other Local Authorities.

4.5 Any variations to fares will be subject to public consultation, as required by the relevant legislation, and will be approved by the Council’s Licensing Committee.

5. TAXI RANK PROVISION

5.1 The provision of taxi-rank space will be reviewed every three years with this Policy.

6. ILLEGALLY PLYING FOR HIRE

6.1 Illegal ‘plying for hire’ occurs when a person driving a vehicle, other than a licensed hackney carriage, takes a fare that has not been pre-booked. It is irrelevant whether the driver holds a licence to drive a hackney carriage as the offence is plying for hire without a hackney carriage vehicle proprietors licence.

6.2 A hackney carriage can only ply for hire in the area in which they are licensed. It is illegal to ply for hire outside the area in which they are Licensed.

6.3 Illegally plying for hire creates the possibility of invalidating insurance.

6.4 The penalty for illegally plying for hire is up to £2500. Insurance offences can carry a minimum 6 penalty points on a driver’s DVLA licence and bring into question the fit and proper person assessment.

6.5 Any driver, vehicle or operator licensed by the Authority may have their licensed revoked if found to have illegally plied for hire.

7. DECISIONS OF THE LICENSING OFFICER, LICENSING COMMITTEE AND THE APPEALS PROCEDURE

7.1 Where Licensing Officers have delegated powers to grant or refuse licences, they will utilise the guidelines set in this Policy when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee. Whilst Officers and the Committee will have regard to the guidelines contained in the Policy, **each case will be considered on its individual merits and, where the circumstances demand, the Committee / Officer may depart from the guidelines.**

7.2 Any applicant who is refused a driver's licence on the grounds that the Licensing Authority is not satisfied that he or she is a fit and proper person to hold such a licence has the right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

7.3 Any applicant who is refused a Hackney Carriage vehicle licence has the right of appeal to the Crown Court.

7.4 Any applicant refused an Operator licence on the grounds that the Licensing Authority is not satisfied that he or she is a fit and proper person to hold such a licence has the right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

7.5 Any licence holder whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

7.6 Where a new condition is applied to a licence, the licence holder is entitled to appeal to the Magistrates' Court within 21 days from the addition of the condition.

8. DATA PROTECTION

8.1 The Council may use the information submitted on any application form for any licence(s) for the purpose of its statutory function(s).

8.2 The Council is under a duty to protect the public funds it administers, and to this end may use the information provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

8.3 Please note that the Council may provide information submitted on any application form for a licence or permission to other statutory Authorities, such as Her Majesty's Revenue and Customs (HMRC), The Audit Commission, Home Office and Law Enforcement Agencies.

8.4 The Council will maintain public registers of licensed drivers and hackney carriage proprietors and vehicles.

9. CRIME AND DISORDER ACT

9.1 Under section 17 of the Crime and Disorder Act 1998, the Council is under a duty to exercise its various functions with regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its area.

9.2 This means that when carrying out our licensing functions we must consider the impact our decisions might have on crime and disorder and community safety, whether it is a reduction in crime or a potential increase in crime and disorder.

9.3 The Council may also share information with other Authorities for the purposes of preventing and detecting crime.

10. CONSULTATION

10.1 It is our policy to consult with all interested parties before making decisions on matters referred to in this policy. These include the Police, the Highways Authority, licensed hackney carriage and private hire representatives and others thought appropriate. These may include groups representing disabled people, the Chambers of Commerce, Organisations with a wider transport interest and special interest groups.

11. REVIEW

11.1 This Policy will be reviewed every 3 years or sooner if there are relevant legislative changes.

12. REQUIREMENTS FOR DRIVERS

12.1 The Licensing Authority offers two types of licenses to drive vehicles:

- i. The Combined (Dual) Hackney Carriage and Private Hire Driver's Licence allowing drivers to drive any vehicle licensed by the Licensing Authority; and
- ii. The Restricted Private Hire Driver's Licence allowing drivers only to drive a Private Hire Vehicle undertaking a Local Authority Contract.

12.2 Where the Licensing Authority issues a Licence to drivers it will be for a maximum of 36 calendar months from the date of issue.

12.3 Under sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority **must not grant a licence** for a Private Hire Vehicle Driver or a Hackney Carriage Driver **unless satisfied** that the applicant is:

- a fit and proper person to hold a licence and has been authorised to drive a motor car for at least twelve months prior to the application.

The authority to drive a car, the driving licence, if not issued by the UK Driver and Vehicle Licensing Authority (DVLA), must comply with the requirements detailed by the DVLA to drive vehicles within the UK.

12.4 In order to determine whether an applicant is a “fit and proper” person to hold a licence, the following requirements will apply to new and current licence holders:

12.5 New Applicants for the Combined Hackney Carriage/Private Hire Driver’s Licence and Restricted Private Hire Driver’s Licence

The application for a licence to drive a Hackney Carriage and / or a Private Hire Vehicle must be accompanied by satisfactory evidence of the following conditions below: (incomplete applications will not be deemed to have been made until such time as they are completed):

- Completed application forms payment of the required fees.
- The applicant is over 21 years of age at the time of application.
- The applicant has the right to live and work in the country.
- An enhanced Criminal Record Check and evidence that they are not on a child and / or vulnerable adult barring list.
- A Medical Report from own Doctor (GP) which will be sent to the Licensing Authority’s nominated Medical Examiner to satisfy that the applicant meets the DVLA’s Group 2 Medical Standard.
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive and has completed the consent for the Licensing Authority to verify their DVLA licence record.
- That the applicant has a minimum of three years post-qualification driving experience at the time of application and has passed an approved driving assessment and satisfactory certificate of competence.
- That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for.
- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for.
- If the applicant is a non-UK national, a Certificate of Good Conduct/Character/Citizenship from the Ministry of Justice from their country of origin or UK Embassy.

- If the applicant has lived abroad for more than a month since the age of 10 years old, a Certificate of Good Conduct/Character/Citizenship from the Ministry of Justice for particular country/countries.
 - Ex Service Personnel are exempted from the requirement of obtaining Certificates of Good Conduct for their periods of military service. Proof of period of military service is required.
- The applicant has passed the Licensing Authority's knowledge test assessing: knowledge of the district's road network, basic literacy and numeracy, the Highway Code and a basic awareness of the role of a driver.
- Pass the required Qualification detailed in Section 12.6 Qualifications for Driver within 12 months of being granted a licence.

In the case where an applicant is not able to obtain a Certificate of Good Conduct or equivalent, the applicant must provide proof of application for a Certificate of Good Conduct. The applicant must also provide a full previous UK address history for a minimum of 10 years, along with two references from persons of standing in the community or with a professional background, who have been known to the applicant for a minimum of 5 years. These references cannot be related to the applicant, or members of the taxi/private hire trade.

In the case of an applicant with convictions, the Licensing Authority will assess each case on its merits to determine whether the applicant is a fit and proper person to hold a licence. The Licensing Authority will also have regard to the guidelines set out in the Guidelines on Convictions in Section 12.7 below.

12.6 Qualifications for Drivers

Driver training is an essential part of ensuring that drivers of licensed vehicles meet the high standards that the public expect of them. It is therefore a requirement for all New Applicants to pass a Qualification approved by the Licensing Authority suitable for their role within 12 months of being granted a licence. This will help to ensure they develop the skills and knowledge they need in order to keep themselves, their passengers, the public and their vehicles safe.

No Hackney Carriage or Private Hire driver licences (granted for 12 months) will be renewed where the applicant has not completed this course. This includes drivers who allow their licence to expire and then apply again as a new driver in order to circumvent the qualification requirement. For licences which are initially granted for longer than 12 months, the licence will be suspended after 12 months from the date of issue until the licence holder has completed the required qualification.

The required qualifications are:

For holders of the Combined Hackney Carriage and Private Hire Driver Licence:
A BTEC Qualification, "Introduction to the Role of the Professional Taxi and Private Hire Driver" or suitable equivalent agreed in writing before commencement of the qualification with the Licensing Department.

For holders of the Restricted Private Hire Licence:
The MiDAS Qualification accredited by the Community Transport Association (UK) or suitable equivalent agreed in writing before commencement of the qualification with the Licensing Department.

12.7 Guidelines Relating to the Relevance of Convictions for new and existing drivers

The purpose of the guidelines in this policy is to provide guidance on the criteria taken into account by the Licensing Authority when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and / or private hire vehicle licence.

There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:

- Remain free of conviction for an appropriate period; and
- Show adequate evidence that he or she is a fit and proper person to hold a licence, with the onus on the applicant to produce such evidence.

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq* (1998)].

The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

Consideration of disclosed criminal history

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will consider the following:

- How relevant the offence(s) are to the licence being applied for,
- The seriousness of the offence(s),
- When the offence(s) were committed,
- The date of conviction(s),
- Circumstances of the individual concerned,
- Sentence imposed by the Court,
- The applicant's age at the time of conviction,
- Whether they form part of a pattern of offending,
- Any other character check considered reasonable (e.g. personal references), and
- Any other factors that might be relevant.

Existing holders of drivers' licences are required to notify the licensing authority in writing within seven days of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing officer in confidence for advice.

The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information.

So that the licensing authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the licensing authority's policy to require applicants to register for the DBS's update service and to nominate the licensing authority to receive updates. Registration lasts for 1 year and costs £13 per year. Licensees are expected to provide evidence of continuous registration and nomination throughout the duration of their licence.

The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will likely be refused.

Serious offences involving violence

Licensed drivers have close regular contact with the public. A firm line is taken with those who have convictions for offences involving violence.

An application should be refused if the applicant has a conviction for an offence that involved the loss of life, such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving

In other cases anyone of a violent disposition will likely be refused to be licensed until at least 5 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

A licence should not be granted where the applicant has a conviction for an offence such as:

- Terrorism offences
- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm or weapon
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence should not be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Common assault
- Assault occasioning actual bodily harm
- Affray
- S.5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage

- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence should not be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

Sex and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised.

An application should be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

In addition to the above the Licensing Authority should not grant a licence to any applicant who is currently on the Sex Offenders Register.

Dishonesty, theft or similar offences

A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare. For all these reasons, a serious view is taken of any conviction involving dishonesty.

In general, a minimum period of 5 years free of conviction or at least 5 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery

- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- and any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence may not be granted if an applicant has more than one conviction for a dishonesty offence.

Drugs

A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

A licence should not be granted where the applicant has a conviction for an offence for the supply of drugs.

Where the applicant has more than one conviction for offences related to the possession of drugs, the applicant should be required to show a period of at least 5 years free of conviction.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) will be required before the licence is granted.

If the applicant was an addict then they should be required to show evidence of 5 years free from drug taking after detoxification treatment.

Drink driving/driving under the influence of drugs/using a mobile phone whilst driving

As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. Normally at least 3 years, after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone.

A licence should not be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

Driving offences involving the loss of life

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence should not be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- or any similar offences

Other driving offences

As licensees are professional vocational drivers, a serious view is taken of convictions for driving. Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, etc should not prevent a person from holding a licence. If sufficient penalty points have been accrued to require a period of disqualification a taxi licence or private hire licence will only be issued when a valid driving licence is held and the applicant able to demonstrate a period of at least 12 months free from further motoring offences. Should sufficient penalty points be accrued leading to a period of disqualification any licence issued should be revoked.

Any conviction for major offences, e.g. reckless driving, driving without due care and attention, driving whilst disqualified or excessive speeding offences etc will form part of the fit and proper person assessment with the Licensing Authority expecting applicants to have a period of 3 years free from conviction. More than one conviction for this type of offence during any licence period may result in any issued licence being revoked

Licensing offences

Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since.

A licence may not be granted if an applicant has more than one conviction for a licensing related offence.

Insurance offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance.

An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour.

A licence may not be granted if an applicant has more than one conviction for an insurance related offence.

An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will likely have his operators' licence revoked immediately and be prevented from holding a licence for at least 5 years.

Outstanding charges or summonses

If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application should be refused.

Non-conviction information

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration will be given to refusing the application.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

Cautions

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

Each case will be decided on its own merits, and in all cases, the overriding consideration will be public safety.

12.8 Renewal Applications

All applicants renewing their licence must satisfy the following criteria:

- Completed Application form and fee
- Certificate of Qualification as detailed in Section 12.6 Qualifications for Drivers
- Provide DBS, medical, DVLA consent and photograph at the time of renewal, in line with the frequencies below.

DBS

Renewed every three years, unless the applicant has signed up to the Update Service and provided the Licensing Authority the necessary consent to access this record.

DVLA mandate

A mandate, renewed every three years to consent for the Licensing Authority to access the licence holder's DVLA driving licence record.

Medical

A DVLA Group 2 medical report (GP) once up to 45th birthday then every five years up to 65th birthday then annually thereafter. All medical reports will be sent to the Licensing Authority's nominated medical practitioner to determine whether the DVLA Group 2 standard is met.

Photograph

A driver is required to update their photograph every 6 years.

Any driver not providing their DBS, medical report, DVLA consent or photograph as required will be suspended or not have their licence renewed.

12.9 Re-application after refusal

In the case where a licence has been refused, revoked or has expired during a period of suspension, no new application will be considered for a minimum period of 12 months from the date of refusal, revocation or expiry.

12.10 Driver Conduct

Licensed drivers are expected to conduct themselves in a proper and civil manner and to be clean and tidy in appearance. It is the role of the driver to be helpful to the public and convey them in a comfortable and safe manner. Drivers should maintain a high level of personal hygiene, be prompt, polite and helpful.

Drivers not conducting themselves in the manner expected will be dealt with under the enforcement options available to the Licensing Authority. This can include written/verbal advice and warnings, penalty points and suspension, revocation or non-renewal of a licence.

Under the Health Act 2006 smoking is not permitted in a licensed vehicle. To avoid any doubt, the use of electronic cigarettes or other vaporisers is also not permitted in a licensed vehicle at any time.

12.11 Dress code

Drivers are expected to adhere to the following dress code when working:

- Shirts/t-shirts and sweat tops should cover shoulders and must be capable of being inside trousers or shorts.
- Tailored shorts may be worn.
- Footwear should fit around the heel of the foot, flip-flops or similar beach type footwear is not permitted.
- The following standards of dress are not acceptable:
 - Dirty clothing
 - Ripped, snagged or holes in clothing
 - Words or graphics on any clothing that is offensive or suggestive
 - Sports shirts, eg football, rugby or cricket tops
 - Track suits
 - Camouflage
 - Studs or sharp edges to clothing
 - Pronounced heels to shoes
 - Short skirts

12.11 Notification of any changes in circumstance

Licensed drivers must notify the Licensing Authority, within 7 days of any change of name or contact details.

Licensed drivers must notify the Licensing Authority within 7 days of any offences, including convictions, cautions, fixed penalty notices and motoring offences, or if they are subject of criminal investigation.

13. REQUIREMENTS FOR VEHICLES

13.1 Applications to licence or renew a Hackney Carriage licence or Private Hire vehicle must satisfy the following criteria:

- Vehicles must be of an age and model acceptable to the Licensing Authority (see below)
- Complete the required application form and pay the required fee(s)
- Provide proof of insurance for Hire and Reward (for Taxis) or Private Hire and Reward (for PHVs), such as a certificate or cover note valid for the date the licence is intended to come into force.
- A valid MOT certificate for the date the licence is intended to come into force.
- V5 Registration document or other equivalent proof of ownership.

- All vehicles presented for initial licensing must pass a mechanical inspection at a Licensing Authority approved testing centre.

13.2 Vehicle Specifications

All licensed vehicles must comply with the requirements of any Acts and Regulations relating to motor vehicles in force during the period.

Purpose-built vehicles are not compulsory. The Licensing Authority will accept applications for family sized saloon/hatchback/estate cars, 4 x 4s, MPVs and minibuses up to 8 seats to be licensed. The Licensing Authority will inspect all vehicles presented for initial licensing to ensure the vehicle is suitable for use as a taxi or private hire vehicle

Suitability, and the number of passengers will be determined by:

- Provision of comfortable and suitably upholstered and easily accessible seating with ample leg and head room for all passengers. Seating capacity will be calculated on the basis of a passenger unit seat width of 400 mm measured laterally across the middle of any seat and 400 mm depth of seat measured from the front edge of each seat unit,
- Each seat unit must have a fitted seat belt,
- Provision must be made for carrying luggage within the vehicle which is sufficient for the number of persons to be carried in the vehicle,
- Adequate heating and ventilation must be provided to ensure the comfort of driver and passengers,
- Windows must be provided to the sides and rear of the vehicle,
- Vehicles must have a minimum of four doors,
- Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism, and
- The vehicle must be right hand drive.

13.3 Vehicle Age

No vehicle shall be more than five years old at the time of initial licensing; calculated from the date the vehicle was first registered.

In the case where the licence of a vehicle expires and there is an application to renew the licence of a vehicle over 5 years old, this application may be granted in cases where:

- not more than three months have elapsed since the expiry of the previous licence, and
- the applicant is the previous licence holder.

The vehicle will however be subject to the full new application fee, inspection by the Licensing Authority and a mechanical test at an approved testing station.

In order to encourage wheelchair accessible vehicles to be licensed, the age restriction will not apply to vehicles which are accessible and seat at least one wheelchair presented for initial licensing.

In all cases the final decision will be made on the vehicle's safety and condition by the Licensing Authority.

13.4 Wheelchair Accessible Vehicles

The vehicle must remain in the form it is submitted for licensing. The applicant must be able to produce a copy of the relevant type approval certificate upon the request of the Licensing Authority before a licence is issued. The vehicle must be capable of carrying a passenger seated in a wheelchair safely and securely. Wheelchair access must be gained by ramps or a mechanical lift. Any equipment necessary to safely and securely load and carry the wheelchair and its passenger must be carried and maintained in working order on the vehicle so long as the vehicle is licensed. It shall be the responsibility of the vehicle's proprietor to ensure that the driver can safely operate the equipment provided.

13.5 Vehicle Examination

A full vehicle safety check is needed for the protection of the driver and public. Before any application is considered, the vehicle to be licensed must have been inspected and approved by a Licensing Authority appointed testing station.

New vehicles with delivery mileage only (a maximum of 200 miles) do not require a mechanical test upon initial application.

The annual MOT test is not sufficiently detailed for this purpose due to the high mileage of taxi and private hire vehicles. The Licensing Authority therefore has a testing programme for licensed vehicles. The mechanical vehicle test will be carried out by a nominated, MOT registered garage within the East Hampshire District. The frequency of these checks will be determined by the age of the vehicle but may be more frequent if there are additional safety concerns e.g. Local intelligence or if the vehicle has been involved in an accident.

Licensed vehicles must be submitted for inspection according to the Licensing Authority's approved programme:

- Hackney Carriages (with an MOT certificate) between one and six years old: once a year.
- Private Hire Vehicles (with an MOT certificate) between three and six years old: once a year.
- Private Hire Vehicles (without an MOT certificate) between one and three years old: twice a year.
- All Vehicles over six years old: twice a year.

13.6 CCTV

In the interests of driver safety and for the purposes of preventing and detecting crime, the use of CCTV is encouraged in all licensed vehicles.

All vehicles fitted with CCTV must display an advisory notice in a prominent position inside the vehicle advising customers.

13.7 Tyres

- All road tyres must be at the correct pressure when used on the road
- All tyres must be suitable for the vehicle.
- A minimum of 2mm of tread is required across the whole width and around the entire circumference of each tyre
- Only tyres of a similar construction (eg steel braced radials) may be used on one axle.
- Remoulded or re-cut tyres are not acceptable.

13.8 Spare Wheels

All vehicles must carry as a minimum a spacesaver spare wheel, to be used as a means of conveying the vehicle to a place where the tyre can be changed in the result of a puncture.

Vehicles may not carry a spare wheel if:

- All wheels are fitted with a suitable 'run flat' tyre mechanism on all four wheels. In the case of a 'run flat' tyre getting a puncture, the tyre must be replaced at the earliest opportunity or in any case on or before the maximum number of miles recommended by the manufacturer is travelled.
- The vehicle belongs to a Private Hire operator who has another means of conveying passengers to their destination safely and without inconvenience, such as the ability of a fleet of licensed vehicles which can be called upon.

In all cases, the final decision will rest with the Licensing Authority.

13.9 Maintenance

Vehicles, including all fittings must be well maintained and kept clean and in good working order. At any reasonable time the Licensing Authority may test and inspect vehicles. If a vehicle is found not properly maintained or not in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been remedied.

The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the reasonable satisfaction of the Licensing Authority and without prejudice to the foregoing in particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacture. The interior shall be free of all stains, splits, tears to the same and the seats shall be required to function in accordance with the original manufacturer's specification.

13.10 Advertising

The Licensing Authority will allow advertisements to be placed upon a vehicle subject to the following conditions:

A proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, email address or website or advisory notices to do with smoking. These may appear on the side, rear or bonnet. No advertising should obscure the view of the windows.

No graphics, artworks, slogans, advertisements or other displays of any kind are permitted except with the consent of the Licensing Authority.

In the case of private hire vehicles, advertising is subject to the specific exclusion of the words "TAXI", "CAB" or "HIRE" the use of which is not permitted. Advertising on private hire vehicles must contain the words "pre-booked only".

13.11 Safety Equipment

All licensed vehicles must carry the following safety equipment, marked with the licence number of the vehicle:

First Aid Kit

A first aid kit must be carried within the interior of the vehicle and readily available to passengers on request. The identification number of the vehicle must be painted on the body of the kit. The contents of the first aid kit must be compliant with British Standard BS 8599-2 and hold suitable content for the number of passengers.

The first-aid kit must be maintained in full and proper order with items replaced before expiry.

Fire Extinguisher

A minimum 1Kg powder type fire extinguisher with gauge or a 1 litre AFFF with gauge, or any other form of fire extinguisher required in writing by an Authorised Officer of the Licensing Authority. It must conform to a recognised standard such as European Standard EN3 or British Standard 5423 and be carried in the vehicle at all times.

It must be readily accessible and maintained in good working order. The licence plate number of the vehicle must be painted along the body of the extinguisher.

13.12 Taximeters

All Hackney Carriages must be fitted with a calendar controlled taxi meter set to the Licensing Authority's Table of Fares.

All taximeters must comply with the Measuring Instruments (Taximeters) Regulations 2006 and will be the subject to examination during mechanical tests.

13.13 Special Event, Vintage, Classic or Niche Vehicles and Stretched Limousines

The above type of vehicle will be licensed at the discretion of the Licensing Authority and will be subject to the same requirements under section 13 of this Policy in terms of passenger comfort, safety, mechanical examination and maintenance.

Imported vehicles must be tested by the Driver and Vehicle Standards Agency under the Individual Vehicle Approval (IVA) scheme before being presented for licensing.

The above vehicles will only be licensed for 8 passengers and operators may be required to sign a declaration agreeing to this limit.

No intoxicating liquor shall be provided in the vehicle, unless there is the correct licence in place.

13.14 Exemption Policy for Private Hire Vehicles

The Licensing Authority recognises operators may wish to cater for an 'exclusive' or corporate client base and provide a vehicle of a prestige model and specification. An operator may apply for an exemption to the requirement to display a licence plate for the following approved work only:

- Corporate bookings to transport employees and clients on corporate business journeys and/or
- Airport and other 'special' journeys where the client specifically requests a vehicle of a prestige specification at the time of booking and pays a recognisably higher fee for that service compared to that charged for a non exempt vehicle displaying corporate identity.

The approval of an exemption will be based on the cost, reputation, specification, appearance, perception and superior comfort levels of a vehicle and the fact that it will not resemble a non-exempt private hire vehicle licensed to undertake the 'normal' day to day role. Each application will be considered on its individual merits.

- Saloon, hatchback and estate vehicles to be licensed for 4 passengers only plus the driver allowing sufficient space for adult passengers to travel comfortably.

- Engine size indicatively 2000cc or greater.
- A range of vehicles capable of carrying in excess of 4 passengers will be considered provided they meet the higher specification and original list price required.
- Vehicles seating more than 4 passengers will be licensed only for sufficient numbers of passengers to travel comfortably. Each seat must be adequate dimensions and must permit direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat. No vehicle modifications from the manufacturer's specification are accepted.
- The original list price of any vehicle must be a minimum of £30,000 in spite its age on application. This minimum price will be exclusive of any extras added at the time of purchase. Evidence of the original new list value will be obtained at the time of application. The Licensing Authority must be satisfied the evidence provided verifies the original list value.
- The vehicle must have a minimum specification of at least air condition/climate control to front and rear seats, all electric windows, central locking and front and rear headrests sufficient for each passenger.
- Vehicles must be under five years of age at first licence.

14. REQUIREMENTS FOR OPERATORS

14.1 Where the Licensing Authority issues a Licence to Private Hire Operators it will be for a maximum of 60 calendar months from the date of issue.

14.2 The Operators base shall be located within the District of the Licensing Authority.

14.3 Under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority must not grant a licence for an Operator of a Private Hire Vehicle unless satisfied that the applicant is a fit and proper person to hold an Operator's licence:

14.4 To establish a fit and proper person an applicant will need to provide the following:

- Completed Application Form and Fee

14.5 If not already licensed with the Licensing Authority as a driver an applicant must provide:

- Disclosure and Barring Service (DBS) Form together with supporting documents and fee.

- If not a UK national, a Certificate of Good Conduct/Character/Citizenship from the Ministry of Justice for the country of origin or UK Embassy
- If having lived abroad for more than a month since the age of 10 years old, a Certificate of Good Conduct/Character/Citizenship from the Ministry of Justice for that particular country/countries.
- Proof of eligibility to live and work in the UK (this will be requested where applicable e.g. overseas students undertaking a course in the UK or applicants who may be applying before moving to the UK).

DRAFT