



HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND VEHICLE POLICY

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1. LEGISLATION AND BEST PRACTICE GUIDANCE

1.1 Legal Framework

There exists a significant body of legislation governing the regulation of taxi and private hire services in the United Kingdom. The following legislation forms the legal foundation that this policy must align with and cannot override. While this list is not exhaustive, it highlights key enactments that hold relevance:

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Transport Act 1985

Equality Act 2010

Deregulation Act 2015

1.2 Deregulation Act 2015

The Deregulation Act 2015 introduces two provisions impacting the licensing of taxis and private hire vehicles. Firstly, it establishes standard durations for driver, vehicle, and operator licenses, with shorter licenses issued only in exceptional circumstances, as determined by the Council. Secondly, it allows the subcontracting of private hire bookings between licensed operators across local authority borders.

1.3 Case Law and Sub-Contracting

Case law confirms that sub-contracting can be done automatically and at the complete discretion of the operator. However, the Council advises operators to consider the customer service implications of such actions.

1.4 National Guidance - Department for Transport (DfT)

The DfT holds national responsibility for hackney carriage and private hire legislation in England and Wales. In November 2023, the DfT updated their best practice guidance for local licensing authorities. Licensing authorities have the autonomy to decide the extent to which they wish to adopt or adapt this guidance. The DfT also issued Statutory guidance; Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. The Council has considered the DfT guidance in shaping this policy.

1.5 Relevance of Convictions

In formulating our policy, the licensing authority has taken into account the Department of Transport's "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (November 2023)." Further government advice from the Department of Transport Circular 2/92 and Home Office Circular 13/92 is also considered. These recommend that local authorities develop their own guidelines concerning the

relevance of convictions in determining applications for hackney carriage and private hire vehicle (PHV) driver licenses.

1.6 Statutory Taxi & Private Hire Vehicle Standards

The Department for Transport (DfT) updated their Statutory Taxi & Private Hire Vehicle Standards in November 2022, which the licensing authority has incorporated into this policy.

This policy aligns with and respects the established legal framework and national guidance, promoting the highest standards in the taxi and private hire industry while considering local circumstances and needs.

2. OBJECTIVES

In setting out its policy Harborough District Council seeks to promote the following objectives:

- The protection of public safety
- The establishment of a professional and respected hackney carriage and private hire trade
- Access to an efficient and effective public transport service
- The protection of the environment
- To encourage high standards of service and competence in the hackney carriage and private hire trade

In order to meet these policy objectives, the Authority aims to:

- Ensure that drivers are trustworthy, physically fit and capable of driving their vehicles
- Ensure that drivers display good standards of courtesy and behaviour at all times and comply with the authority's standards on equality issues
- Check that vehicles are suitable for the purpose, safe to operate and maintained to the appropriate standard
- Ensure that operators maintain adequate records for the benefit of passengers and drivers
- Ensure that all parts of the trade operate within their legal requirements
- Provide members of the trade and those wishing to join it with relevant information and advice
- Ensure confidentiality

The aim of the licensing process in this context is to regulate the hackney carriage and private hire trade in order to promote these objectives.

In exercising its discretion in carrying out its regulatory functions, the Licensing Authority shall have regard to this policy document and the objectives set out above.

Each application or enforcement measure shall be considered on its own merits, using the policy as a main guideline. Where it is necessary for the Licensing Authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.

This policy will take effect from new date subject to Council's approval and shall be kept under review and revised as appropriate, at intervals of no less than 3 years except where legislation demands change.

3. VEHICLES

3.1 Hackney Carriage and Private Hire Vehicle Specifications

The vehicle must comply in all respects with Road Vehicles (Construction and Use) Regulations 1986 (as amended) and the Road Vehicles Lighting Regulations 1989 (as amended) and any other legislation relating to the construction or use of passenger vehicles.

The vehicle must have EU type approval, or a certificate of single vehicle approval issued by the Department of Transport must be produced.

All vehicles will be of a maximum power output of not less than 57kW (75bhp) as defined in the vehicle registration document V5C.

Saloon and Estate vehicles shall be no more than six years old when first licensed.

London type taxis shall be no more than ten years old when first licensed. Transit vehicles and People Carriers shall be no more than 8 years old when first licensed. The age of vehicles will be judged, so far as can be ascertained, by the date of manufacture or first DVLA registration of the vehicle.

Vehicles shall be suitable for carrying not less than 4 passengers in comfort with adequate luggage space. The Council has not made any other requirements with respect to vehicles.

With respect to seating, this should be padded. Slatted wooden seats are considered inadequate. Where seats are continuous, 40.64cm measured horizontally along the front of each seat should be allowed for each passenger.

The vehicle must not be left hand drive.

The vehicle must not be a convertible i.e. have a soft top.

A private hire vehicle must not be an Austin FX4 London Type Taxi.

Private hire cars may be licensed for up to 8 passengers (small mini buses etc.) The approval for the use of such vehicle depends on:

- all passengers' seats facing to the front
- all seats positioned to ensure the comfort and safety of the passenger

- Tip-up seats are not permissible

Any vehicle which is constructed or adapted to seat more than 8 passengers cannot be licensed as a private hire vehicle.

A Hackney Carriage Vehicle can only be driven by a licensed driver, not by a spouse etc.

3.2 Condition of Vehicle

The proprietor shall ensure the vehicle shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicle's licence.

The interior and exterior of the vehicle shall be kept in a clean condition and maintained in a safe condition by the proprietor.

The proprietor shall not allow the mechanical and structural specification of the vehicle to be varied without the written consent of the Council.

The proprietor of the vehicle shall:

- Provide sufficient means by which any person in the vehicle may communicate with the driver during the course of hiring
- Ensure the interior of the vehicle be kept wind and watertight
- Provide windows and means of opening and closing the same with no less than one window on each side of the passenger compartment
- Ensure the seats in the passenger compartment are properly cushioned and covered.
- Ensure the floor in the passenger compartment has a proper carpet, mat or suitable covering
- Ensure fittings and furniture to be kept in a clean condition and well maintained and in every way fit and safe for public use
- Provide facilities for the conveyance of luggage safely and protected from inclement weather
- Provide at least two separate means of exit for all passengers seated to the rear of the driver's seat. The exits and paths to the exits must be unobstructed by seating, wheel arches, engine cowling, vehicle trim or other protrusions, so that passengers have a second means of exit in case the first is unavailable either because of malfunction or accident
- Ensure smoking is not permitted in taxis

A copy of the Taxi Byelaws is attached for information in Appendix D.

The council has produced a Vehicle Checklist which drivers must use every time they start work. Completed checklists must be kept and produced if requested by an officer.

3.3 Vehicle Identification

The Authority requires hackney carriages and private hire vehicles to be clearly distinguishable from other vehicles and from each other.

3.3.1 Hackney Carriages

The vehicle shall display the name of the Taxi Company and telephone number in a prominent position on the door on both sides of the vehicle. This sign should be a minimum A3 in size.

The vehicle must have a roof sign which should be illuminated when there is no passenger in the vehicle.

The vehicle licence plate must be displayed externally on the rear of the vehicle in a prominent position.

The roof sign, company sign and licence plate should stay on the vehicle at all times.

3.3.2 Private Hire Vehicles

Private Hire Vehicles should display a sign on both sides of the vehicle which reads "Advance Bookings only" with the company name and telephone number. The sign should be a minimum A3 size.

A Private Hire Vehicle should not have a roof sign.

The vehicle licence plate must be displayed externally on the rear of the vehicle in a prominent position.

3.3.3 Exemption for Private Hire vehicle to display a plate

In certain circumstances it is accepted that it is inappropriate to have a plate displayed on a Private Hire vehicle and an exemption must be applied for and will be granted where there is good reason. The circumstances where an exception could be given would include:

- When carrying passengers for hire or reward to/from or in connection with any wedding ceremony
- When under contract for hire of the vehicle for a period of not less than 24 hours.
- Any specific occasion with prior permission from the Council

Specific occasions would be likely to be those involving a 'Chauffeur Service' in an executive style vehicle. An example of an executive style vehicle is a Mercedes Benz E Class or Audi A7.

To apply for an exemption, the applicant should email the Licensing Team licensing@harborough.gov.uk with the reasons why they are applying for an

exemption and photos of the interior and exterior of the car. It may be necessary to bring the vehicle to the council office for inspection.

3.4 Vehicle Testing

There will be a six-monthly **enhanced MOT tests** for all vehicles. The Council can set the frequency of the tests and we have determined the tests to be carried out on a six monthly basis.

There are **seven** taxi testing stations approved by the Council, no other station may be used except in the case of special vehicles which may from time to time need to be tested elsewhere.

Taxi testing stations can be found on our website: [Vehicle testing | Taxi Vehicle Licence | Harborough District Council](#)

It will be the responsibility of the proprietor to arrange for the vehicle test and provide all the documentation to the Council within five working days of the date of the vehicle test.

If a vehicle fails its test, it should not be used for work until it has passed, and the mileage recorded at each test should reflect this.

No vehicle may be used as a taxi unless it has been given a Certificate of Compliance **by the Council** in respect of a satisfactory test and has been appropriately licensed by the Council.

It is the proprietor or operator's responsibility to ensure that re-tests are carried out in sufficient time for a new Certificate of Compliance, and other necessary documentation, to be available for processing by Council staff.

3.5 Vehicle Licence

Vehicle licences last for one year.

The fees payable for the grant and renewal of licences will be reviewed annually as part of the budgetary process and licence holders will be notified of any changes.

Applications may take up to 5 working days to process. Officers may only accept complete applications comprising of all the necessary paperwork. It is the proprietor's responsibility to ensure that a renewal application is submitted in sufficient time to ensure the continuity of the licence. If an application is received late, the vehicle may be unlicensed for a period of time during which they will be unable to use it as a licensed vehicle.

If a Vehicle Licence expires and then a renewal application is submitted, then the application should be classed as a new application and the vehicle will be subject to the licence requirements in terms of age, unless the Council deems there are exceptional circumstances.

A licenced vehicle can be transferred to a new owner. The new owner must notify the council of this transfer within 14 days by completing the form on our website and paying the appropriate fee.

Any accidents must be reported to the council within 72 hours. It may be necessary for an officer to inspect the vehicle to ensure it still meets the required standards.

3.6 Environmental Considerations

The Department of Transport Guidance asks licensing authorities to consider how their vehicle licensing policies can and should support any local environmental policies, bearing in mind the need to ensure that the benefits outweigh the costs. Taxis and Private Hire vehicles are an essential form of transport within the Harborough district area and as such already play their part in helping environmental improvement by achieving higher occupancy rates than many private cars.

It is important that emissions from taxis are reduced as far as possible and a reduction of 25% will be made to the licensing fee for hybrid and electric vehicles to encourage the use of these type of vehicles.

3.7 Clean Air Zones (CAZ)

A CAZ is an area in which a local authority has brought measures into place to improve the air quality.

Since the introduction of The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019, the Council is required to provide vehicle data to DEFRA following all issues, renewals, suspensions or refusals of licences. The data shared will include vehicle registration mark, start and end date of licence, whether Taxi or PHV, licence plate number, and whether the vehicle is wheelchair accessible.

3.8 Wheelchair Accessible Vehicles

Harborough District Council is committed to social inclusion and ensuring that a wide variety of opportunities are available to all residents to enjoy a high quality of life and ensure that all services are, as far as it is possible, accessible to all members of the public.

The Council will actively seek to encourage Proprietors and Operators, especially those with ten or more vehicles, to provide at least one vehicle which is fully wheelchair accessible, that is, able to take any form of wheelchair including motorised wheelchairs.

Since 31 March 2001, licensed taxi drivers in England and Wales have been under a duty (under section 168 of the Equality Act 2010 of the DDA) to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for an exemption from the duty on medical grounds. Any

other driver who fails to comply with the duty could be prosecuted through a Magistrates Court and is liable to a fine of up to £1,000.

A reduction of 25% off the licensing fee will be applied to Wheelchair Accessible Vehicles to encourage the use of these type of vehicles.

3.9 Fares

Licensing authorities have the power to set taxi fares for journeys within their area (there is no power to set fares for private hire vehicles). The Department of Transport sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. It suggests that in doing so authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service at the times when it is needed. It recognises that there may well be a case for higher fares at times of higher demand.

Taxi fares are a maximum and in principle are open to downward negotiation between passenger and driver. Such negotiations are however to be discouraged at a Taxi Rank or for on-street hailing's as they could lead to confusion and security issues.

The driver of a hackney carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council. The driver/operator of a private hire vehicle (on the other hand) may make their own agreement with the hirer as to the fare for a particular journey.

There are, however, no provisions in the relevant legislation or this policy, which prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.

It is not proposed to introduce provisions that would prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.

The Tariff should be clearly displayed in the vehicle for customers to see.

Fares rates are currently, normally only reviewed by the Council following representations from the trade or from a particular sector of the trade.

The views of the taxi trade are sought to determine whether a consensus view emerges regarding the formula which should be used to set tariffs and if the trade supports proposals to review fares annually and wishes to see some simple formula used to help the Council determine the level of fare increases.

It is proposed that fare scales should be reviewed no more than once per year between December and February with any change agreed being implemented on 1st April following.

Notice of the current scale of fees will be supplied to new applicants at the time of application.

3.10 Receipts

A hackney carriage driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

3.11 Customer Complaint

Information on how to make a complaint to the Council must be displayed in every Hackney Carriage and Private Hire vehicle.

4 DRIVERS

4.1 Licences

The Council will issue licences in respect of both **Dual Driver** and Private Hire drivers for the duration of 3 years. Licensed Drivers are in a position of trust and therefore the Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold a licence. With this in mind, applicants must meet the requirements set out in this section.

If the Driver's licence has expired, the full application process must be repeated, unless there are exceptional circumstances.

Drivers should have their badge on display at all times when working.

Drivers must notify the council of any change of address within 14 days.

If a driver wishes to surrender their licence, they should confirm this in writing and return their licence badge.

The fees payable for the grant and renewal of licences will be reviewed annually as part of the budgetary process and licence holders will be notified of any changes.

4.2 Age and Experience

In line with the Department of Transport's guidance, there is no maximum age for drivers provided that **the DVLA D4 medical exam has been passed and the GP has signed off the applicant as fit to drive a taxi.**

Any applicant must have held a full European Driving licence for 3 years. **Where applicants have recently arrived from other countries, it is expected that their existing driving licence is converted to a European issue, either by straight transfer or by undertaking an appropriate driving test.**

However, in certain circumstances the Council may consider any application, dependant on individual merit. Under no circumstances will a dual driver or private

hire driver's licence be issued to anyone under the age of 21 years of age and who has not held a full European Driving licence for at least 3 years.

4.3 Driver Tests

There will be a Driver knowledge test for all new drivers as part of their initial application. This will consist of three parts:

- i. Detailed topographical (local road network) test for dual drivers. **Private Hire drivers do not have to take this part as they have time to plan their route as journeys are always pre-booked.**
- ii. Highway Code for both dual drivers and Private Hire drivers
- iii. Questions on **driver and vehicle** licensing law and **Harborough District Council's taxi policy**, which may include questions in relation to child sexual exploitation.

A driver's ability to pass these tests is seen as a fundamental skill in providing a quality service for passengers. An individual may take a knowledge test up to three times within a twelve-month period, **a resit fee will apply**. In the event that the individual has not passed the test successfully within the twelve-month period their application will be rejected.

After three unsuccessful attempts a period of three months must have elapsed before the individual can resit the knowledge test again. The process will commence from the beginning and all three papers will have to be undertaken.

Reasonable adaptations will be made to the knowledge test for those who may need it i.e. a verbal test rather than a written one can be arranged.

4.4 A Right to Licence in the UK

All new applicants, regardless of nationality, will be required to provide proof of their right to work in the UK, in accordance with The Immigration Act 2016.

The Home Office has compiled a list of acceptable documents which prove someone has the Right to hold a licence in the UK. This can be viewed on our website: [Regulatory: Licensing Forms | Harborough District Council](#)

If an applicant has no restriction on their right to work in the UK, then this check only has to be completed once.

For those who have limited permission to be in the UK, this check must be repeated at each subsequent application to renew the licence until such time that the applicant demonstrates that they are entitled to remain indefinitely in the UK.

If an applicant's immigration permission to be in the UK is time limited to less than 3 years, the licence can only be issued for a duration not exceeding their permission. The licence will then be extended to three years if the applicant's permission to remain is extended to/past this point.

4.5 Medical Examination

All applicants must undergo a DVLA [D4](#) Group 2 medical examination as part of their initial application.

A DVLA Group 2 medical is valid until the age of 45 years. Medicals are then renewable every five years until the age of 65 (unless the period is reduced by the GP because there is a medical condition). From the age of 65 years, the Group 2 medical is renewable every year without an upper age limit.

The medical exam must be completed by the applicant's own GP or by another suitably qualified GP who has access to their **full** medical records. Access to just their medical summary will not suffice. The GP must also sign the council's Certificate of Fitness form indicating whether the applicant is fit to drive a licensed vehicle.

You are responsible for any fees charged.

4.6 Disclosure and Barring Service (DBS) Disclosures

The Rehabilitation of Offenders Act 1974 has been amended to exclude Taxi Drivers therefore applicants are required to disclose all convictions cautions and prosecutions endorsements and fixed penalty notices.

The DBS check will be at the level of Enhanced Disclosures as this includes details of spent convictions and police cautions.

Disclosure and Barring Service reports serve to confirm details provided by an applicant on the applications form. Any discrepancy between the offences an applicant lists on their application form and those confirmed by the DBS will be seen as a serious issue and could result in the application being referred to the Regulatory Panel for consideration.

From **MONTH 2024** , it will be mandatory for all drivers to subscribe to the DBS update service following receipt of their next DBS certificate.

The DBS update Service is an online subscription that allows individuals to keep their enhanced DBS certificate up to date and allows regulators to check a certificate online. This subscription service allows licensing authorities (as a nominee with the individuals written consent) to check the status of a certificate online at any time. Subscription to the service removes the need for applicants to make an appointment to bring in original ID, reduces the cost to the applicant and mitigates potential delays in re-licensing. The Update Service costs less than a new DBS check and allows the Council to carry out the check immediately.

All new and renewing drivers **MUST** enrol on the DBS update service within 30 days of the date of their disclosure certificate. This is the DBS' timescale and it is not possible to subscribe after this deadline.

The driver licence may be suspended or not renewed unless the licensing section has the means of checking for criminal activity, convicted or otherwise.

DBS checks will be conducted every six months by the Council.

If an applicant has lived in the UK for less than 5 years, they must provide a letter of Good Conduct from the relevant embassy of each country resided in during that period.

The Council is bound by rules of confidentiality and will not divulge information obtained by third parties.

In line with Department For Transport guidance this Council will consider each case on its own merits, but a particularly cautious view will be taken of any convictions relating to dishonesty, violence, racial incidents and especially sexual attack. Please refer to Appendix A for further information.

Drivers/Operators are obliged to report to the Council any new arrests, cautions or convictions within 48 hours.

4.7 Child Sexual Exploitation Awareness Training

New drivers are required to undertake this training within 3 months of being licensed. An extension to this deadline may be considered in special circumstances.

The cost of this training is included in the application fee.

Failure to attend the training within the required timescale may result in the licence being suspended until such a time as a driver is able to complete the CSE Training.

4.8 HMRC Tax Check

Since April 2022, HMRC requires drivers to provide a tax check code every time they renew their licence. This check confirms that they are registered for tax.

Most people are registered to pay tax and this is about ensuring everyone pays the tax they should, creating a level playing field for the compliant majority.

New applicants must confirm they are aware of their tax responsibilities by reading and signing the declaration on the licence application form.

4.9 National Register of Taxi Licence Refusals and Revocations (NR3)

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a driver or vehicle licence revoked, or an application for one refused.

The licence authority will conduct a check on the NR3 for all new drivers as part of the assessment as to whether an individual is a fit and proper person.

If a search of NR3 indicates a match with an applicant the authority will seek further information about the entry on the register from the authority which recorded it.

Where a driver or vehicle licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.

Information will be retained on NR3 for a period of 25 years.

4.11 Code of Good Conduct

In order to promote the licensing objectives, the Council has adopted a Code of Good Conduct for Drivers which should be read in conjunction with other statutory and policy requirements.

A copy of the Code of Good Conduct for Licensed Drivers can be found in Appendix B.

5. PRIVATE HIRE OPERATORS

5.1 Operator Licences

Any person who operates a private hire service (who is not a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Council for an Operator's Licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. The objective in licensing operators is public safety.

The Council takes the view that, as the person responsible for owning vehicles and recruiting drivers, for accepting bookings and for fulfilling customer expectations, the role of the operator is crucial. It is they who can set the standards expected by the company and ensure that vehicles and drivers meet those standards and customer expectations.

A licence will not be granted unless the applicant is deemed a fit and proper person to hold the Operator's licence. With this in mind, applicants must meet the requirements set out in this section.

A Private Hire Operator must ensure that every private hire vehicle is driven by a person who holds a **Private Hire or Dual Driver** licence.

The operator, vehicle and driver licences must all be issued by the same authority.

A Private Hire Operator's Licence will be granted for a period of five years.

The fees payable for the grant and renewal of licences will be reviewed annually as part of the budgetary process and licence holders will be notified of any changes.

5.2 Address from which an Operator may operate

The Council will not grant an Operator's Licence for any address outside the area of Harborough District Council. This is to ensure that proper regulation and enforcement measures may be taken by the Council it is in no way intended to be a restraint on the trade.

The Operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.

It will be the responsibility of the Operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose. The grant of a private hire operator's licence will not imply that such consent is necessary or likely to be granted, as such determination will be subject to any appropriate planning application and consultation process.

5.3 Right to work in the UK

All new applicants, regardless of nationality, will be required to provide proof of their right to work in the UK, in accordance with The Immigration Act 2016.

The Home Office has compiled a list of acceptable documents which prove someone has the Right to hold a licence in the UK. This can be viewed on our website.

If an applicant has no restriction on their right to work in the UK, then this check only has to be completed once.

For those who have limited permission to be in the UK, this check must be repeated at each subsequent application to renew the licence until such time that the applicant demonstrates that they are entitled to remain indefinitely in the UK.

If an applicant's immigration permission to be in the UK is time limited to less than 3 years, the licence can only be issued for a duration not exceeding their permission. The licence will then be extended to three years if the applicant's permission to remain is extended to/past this point.

5.4 Basic Disclosure

Private Hire Operators must provide a Basic Disclosure with their initial application.

Operators are obliged to report to the Council any new arrests, cautions or convictions within 48 hours.

5.5 Child Sexual Exploitation Awareness Training

New operators are required to undertake this training within 3 months of being licensed. An extension to this deadline may be considered in special circumstances.

The cost of this training is included in the application fee.

Failure-to attend the training within the required timescale may result in the licence being suspended until such a time as the operator is able to complete the CSE Training.

5.6 HMRC Tax Check

Since April 2022, HMRC requires operators to provide a tax check code every time they renew their licence. This check confirms that they are registered for tax.

Most people are registered to pay tax and this is about ensuring everyone pays the tax they should, creating a level playing field for the compliant majority.

New applicants must confirm they are aware of their tax responsibilities by reading and signing the declaration on the licence application form.

5.7 Insurance

The Council will check that a minimum for two million for public liability insurance has been taken out for premises that are open to the public (e.g. taxi waiting rooms).

5.8 Record Keeping

Operators are required to keep records of each booking, including the name of the passenger, the start and the destination of the journey, the name of the driver and the number of the vehicle. This enables checks to be made in the event of the need to investigate an incident or for enforcement.

Operators are also required to keep a register of all staff that will take bookings or dispatch vehicles. Private Hire Operator's need to have had sight of a basic Disclosure for these members of staff.

Private Hire Operators are required to show their policy for employing ex-offenders.

6. EQUALITY

The applicant and licence holders must treat everybody in accordance with Equalities legislation. It is against the law to discriminate against someone because of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

These are called protected characteristics.

Harborough District Council condemns all incidents of harassment and discrimination whether perpetrated by Council Staff, employees' agents, third parties or those involved in providing licensed taxi service, whether Hackney Carriage or Private Hire.

A serious view will be taken of all incidents of this nature including the possession of inflammatory material and inappropriate use of language. All offences will be taken seriously because of the significant social damage done by these offences. If incidents are reported to the Council then they will be investigated and where warranted, enforcement action will be taken against the perpetrator.

If this matter were to go to court on appeal, these allegations can and should be put before the court to help it determine whether the driver or operator is a fit and proper person. The Authority intends to abide strictly by this policy and comply with not only the legal requirements but also the spirit and intent of the legislation.

7. DISCIPLINARY AND ENFORCEMENT MEASURES

7.1 Policy

In pursuance of its objective to encourage responsible Hackney Carriage and Private Hire businesses, the Council will operate a firm but fair disciplinary and enforcement regime^{4.1}. Enforcement will be considered with a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference. The Council will only intervene where it is necessary and proportionate to do so, having regard to the licensing objectives.

All licensing enforcement under this policy will be conducted in accordance with the Regulator's Compliance Code. This code replaces the Enforcement Concordat. A copy of the Council's Enforcement Policy can be found on our website. A copy of the Hackney Carriage and Private Hire Disciplinary and Enforcement Policy can be found in Appendix C.

7.2 Range of Powers

The Council may take any of the steps below, upon receipt of evidence, that an offence has been committed in relation to a Hackney Carriage Licence or a Private Hire Licence. A breach of any condition amounts to an offence in this context.

- Suspension of the licence
- Revocation of the licence
- Refusal to renew the licence
- Prosecution

The above measures are not exclusive, i.e. more than one form of action could be taken if warranted by the offence.

7.3 Suspension

A vehicle licence may be given a Vehicle Defect Rectification Notice where the vehicle does not comply with the vehicle specifications defined in the [Taxi Policy and legislation](#) and the Vehicle Inspection Report. Compliance with these conditions is essential and any defect found following an inspection by an authorised officer of the Council could result in a notice being issued. The suspension will be lifted when the vehicle fault has been rectified to the satisfaction of an authorised officer.

A driver's licence may be suspended with immediate effect for a [dual](#) or private hire driver where it is in the interests of the public safety to do so as pursuant to Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the Magistrates Court, but this will not affect the suspension starting with immediate effect.

A suspension in respect of the above issues will be referred to a Regulatory Hearing Panel for determination within three working days of the Council being notified.

7.4 Revocation of a Licence

The Council may exercise its right to revoke a driver's licence and drivers can appeal this decision in all cases to the Magistrates' Court.

A driver licence may be revoked with immediate effect for a [dual](#) or private hire driver where it is in the interests of the public safety to do so as pursuant to Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the Magistrates court, but this will not [affect](#) the suspension starting with immediate effect.

A suspension in respect of the above issue will be referred to a Regulatory Hearing Panel for determination within three working days of the Council being notified.

7.5 Refusal to Renew a licence

The Council may also decide that the appropriate action, especially in the circumstances where a licence is shortly to expire is not to renew the licence. Drivers will have the right of appeal to the Magistrates Court.

7.6 Prosecution

The Council will prosecute licence holders for relevant offences in the following circumstances:

- Where the allegation is for a serious or repeated offence
- Where the Council proposes to caution the licence holder, but the offence is not admitted, or the caution accepted.

In **all** cases, the Council will present the grounds of the offence to the licence holder and offer the opportunity for him/her to be heard before a decision is made. Where enforcement action is taken, the licence holder will be clearly informed of the reason for the action, what it requires and what rights of appeal are available. Contact details will also be available in order that any areas of uncertainty can be addressed.

8 COMPLAINTS PROCEDURE

8.1 Purpose of the complaints procedure

Harborough District Council has a complaints procedure to ensure that there is a clear and systematic process by which customers can seek redress for failures in service provision.

The aims and objectives of the Council's complaints procedure are to achieve:

- a consistent process
- a positive process
- a quality process
- an accessible process

8.2 Overview of the complaints process

Complaints are handled in a maximum of 4 steps:

Step 1 – an informal complaint.

Officers of the Council who provide services to customers deal with initial approaches by customers and attempt to resolve their concerns. Such approaches are likely to be made in person, telephone, and less frequently by email or in writing.

If the complaint cannot be resolved within a period 5 working days the officer dealing will be required to refer the complaint to the Information and Complaints Officer to be registered as a formal complaint.

Complaints about a member of staff will be automatically progressed to step 2.

Step 2 – an informal complaint or stage 1 complaint

A formal complaint is logged with the Information and Complaints Officer

The complaint will be referred to the relevant service manager to respond.

This must be done within 20 working days.

Step 3 – Corporate Director – stage 2

If a customer is not satisfied with the response to a formal complaint the issue will be referred to a Corporate Director to undertake a review and respond within 20 working days.

Step 4 – Local Government Ombudsman

If a customer is not satisfied with the Council's response they can raise this with the with the Local Government Ombudsman.

Further information

If you require any further information or guidance about the complaints procedure please contact Stuart Done: s.done@harborough.gov.uk

AUDIT OF AMENDMENTS			
Date	Paragraph Reference	Detail / Reason	Approved by
18th Dec 17	4.0	<i>Amendment be made to the current Hackney Carriage and Private Hire Vehicle Licensing policy as per Appendix C of the officer's report.</i>	Council
18th Dec 17	11.0	<i>to add a section in to the policy requiring Hackney Carriage and Private Hire drivers to display in their vehicles information on how to make a complaint to the Council.</i>	Council
18th Dec 17	12.3	<i>Amendments be made to the current Hackney Carriage and Private Hire Licensing Policy as set out in Appendix A to the report in relation to Driver Tests</i>	Council

Appendix A

Statement of Policy Regarding Relevant Convictions

1. Introduction

- 1.1 The purpose of this statement is to provide guidance on the criteria taken into account by the Council 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 driver or operator licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest person
 - The safeguarding of children young persons and vulnerable adults.
- 1.3 This statement provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for drivers' licences
 - Existing licensed drivers whose licences are being reviewed
 - Licensing officers
 - Members of the Regulatory Committee/ Panel (or other relevant decision making body)
 - Magistrates Hearing Appeals against Local Authority decisions
- 1.4 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 Regulatory Committee/Panel (or other relevant decision-making body). Whilst officers and the Committee/Panel 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.**

2. General policy

- 2.1 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.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- a. Remain free of conviction for an appropriate period; and
 - b. Show adequate evidence that her or she is a fit and proper person to hold a licence (the onus is 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.

2.3 **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)].

3. Appeals

Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

4. Powers

4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

4.2 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.

4.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a Court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the Court agreed a reduction in the period of disqualification.

5. Consideration of disclosed criminal history

5.1 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 look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- 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)
- Any other factors that might be relevant

5.2 Existing holders of drivers' licences are required to notify the Licensing Authority in writing within twenty-eight days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).5.3 Applicants can discuss further what effect a

caution/conviction may have on any application by contacting the Senior Licensing Officer in confidence for advice.

- 5.3 The licensing authority conducts enhanced disclosures from the Disclosure Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBSs Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.4 More information about the DBS can be found on their website at www.disclosure.gov.uk.
- 5.5 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 under the Home Office scheme for reporting offences committed by notifiable occupations.
- 5.6 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particularly 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 normally be refused.

6 Serious offences involving violence

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for violence or a previous violence disposition.
- 6.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 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.
- 6.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.4 A licence will not normally be granted where the applicant has a conviction for an offence of similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:
 - 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
 - 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
- 6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:
- Racially-aggravated criminal damage
 - Racially-aggravated offence
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:
- Common assault
 - Assault occasioning actual bodily harm
 - Affray
 - S5 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
- 6.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
- 6.8 In the event of a licence being granted, a strict warning both verbally and in writing would be administered.
- 7. Possession of a weapon**
- 7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.
- 7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.
- 8. Sex and indecency offences**
- 8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.
- 8.2 (a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children vulnerable adults and young people.
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.3 (b) Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.4 (c) Before a licence is granted, an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

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

8.6 A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

9. Dishonesty

9.1 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. Taxi drivers are required to deposit such property with Police within 24 hours. PHV drivers must pass lost property to the operator. 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, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

9.2 In general, a minimum period of 3 years free of conviction or at least 3 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
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

10. Drugs

- 10.1 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.
- 10.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.
- 10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
- 10.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 10.5 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 would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

11 Driving offences involving the loss of life

- 11.1 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 will not normally be granted unless the applicant is free of conviction for 7 years or (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 11.2 Before a licence is granted, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:

- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers

12 Drink driving/driving under the influence of drugs

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. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence following a drink 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.

13 Outstanding charges or summonses

- 13.1 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. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made at Committee.
- 13.2 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 may be put on hold until proceedings are concluded or the licence may be refused.
- 13.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

14 Non-conviction information

- 14.1 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 should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.
- 14.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

15 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.

16 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 the date of the conviction.

17 Insurance offences

- 17.1 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. More than one conviction for these offences would normally prevent a licence being granted or renewed.

17.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without appropriate insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

18 Overseas residents

If a private hire operator applicant has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period.

19 Licences issued by other licensing authorities

Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

20 Summary

20.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

20.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Motoring offences and penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

Code	Offence	Penalty Points
Accident Offences		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
Disqualified Driver		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to driver while disqualified by order of court	6
Careless Driving		

CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
Construction & Use Of Offences		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
C80	Using a mobile phone while driving a vehicle	3
Dangerous Driving		
DD40	Dangerous Driving	3-11

DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD90	Furious Driving	3-9
Drink or Drugs		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit through drugs	3-11
Insurance Offences		
IN10	Using a vehicle uninsured against third party risks	6-8
Licence Offences		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
Miscellaneous Offences		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11

MS60	Offences not covered by other codes	As Appropriate
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
Motorway Offences		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
Pedestrian Crossings		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
Speed Limits		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
Traffic Directions And Signs		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
Special Code		

TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
Theft or Unauthorised Taking		
UT50	Aggravated taking of a vehicle	3-11

Aiding, abetting, counseling or procuring

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

Causing or permitting

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

Inciting

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

Non-endorsable offences

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification.

At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

Period of time

Periods of time are signified as follows: D=Days, M=Months, Y=Years

Endorsements remain on a counterpart licence for the following periods of time:

Endorsements must remain on a licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death by careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed.

Or 4 years from the date of offence in all other cases.

Source www.direct.gov.uk

Appendix B

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

Responsibility to the Trade

Licence Holders shall promote the image of Hackney Carriage and Private Hire Trade by:

- Complying with this Code of Good Conduct;
- Complying with their licence conditions and the Council's Hackney Carriage and Private Hire Licensing Policy;
- Behaving in a civil, orderly and responsible manner at all times.

Responsibility to the public

Licence Holders shall:

- Maintain their vehicles in a safe and satisfactory manner at all times;
- Keep their vehicles clean and suitable for hire to the public at all times;
- Attend punctually when undertaking a pre-booked hiring;
- Assist, where necessary, passengers into and out of vehicles;
- Offer passengers reasonable assistance with luggage or belongings.

Responsibility to Residents

To avoid nuisance when picking up or waiting for a fare, a driver shall:

- Not sound the vehicle's horn illegally;
- Keep the volume of radio or music playing to a minimum;
- Switch off the volume if required to wait;
- Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

- Rank in an orderly manner and proceed in order along the rank in order and promptly;
- Remain in the vehicle;
- Not allow their radios or other music etc to cause disturbance to residents of the neighbourhood;
- Take whatever additional action is necessary to avoid disturbance to the neighbourhood which might arise from the conduct of their business.

General

Drivers shall:

- Present a professional image to the public;
- Be polite, helpful and fair to passengers;
- Drive with care and use consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- Obey all Traffic Regulation Orders and directions at all times;
- Not smoke in the vehicle;
- Not consume alcohol immediately before, or at any time whilst driving or whilst in charge of a Hackney Carriage or Private Hire vehicle;
- Not drive while having misused legal or illegal drugs;
- Fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.

Discipline and Enforcement

Drivers should be aware of the powers of the Council to take action, by way of suspension, revocation or refusal to renew a driver's licence where:

- The driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence;
- The driver has been convicted of an offence under the legislation or Hackney carriage and Private Hire Licensing. Policy relating to taxi regulation;
- There is a breach of condition or this code.

Dress Code for Licensed Drivers

Harborough District Council is committed to encouraging the professional image of the Hackney Carriage and Private Hire trade, and considers that drivers of licensed vehicles should conform to a minimum standard of dress.

These standards are not imposed by way of conditions on any licence but it will be expected that this standard will be maintained by drivers at all times:

- All drivers are requested to dress smartly and maintain a clean and tidy appearance.
- All clothing and footwear should be clean and not damaged.
- No logos or graphics which might offend.

Appendix C

HACKNEY CARRIAGE AND PRIVATE HIRE DISCIPLINARY AND ENFORCEMENT POLICY

Harborough District Council has formally adopted the Government's Regulators Compliance Code. This means that this Council will be open, helpful, fair and careful to ensure that any action required is proportionate to the risks involved.

It is recognised that most persons want to comply with the law therefore in general; consideration will be given to alternatives to prosecution to ensure that those regulated comply with the law. In general action and enforcement will be carried out by The Senior Licensing Officer and the Licensing Enforcement Officer.

Enforcement Checks

Vehicles, Drivers and Operators are subject to enforcement checks, which are carried out on a regular basis. Staff will identify themselves, and deal with all enquiries efficiently and courteously. The Council will occasionally work with other agencies, including the Police and Vehicle Operator Services Agency, to ensure compliance with legal requirements.

Proportionality

The Council will minimise the cost of compliance for the trade by ensuring that any action required is necessary and proportionate to the aims of public safety, the protection of the rights of others or the prevention or detection of crime. As far as the law allows, the Council will take into account the circumstances of the case and attitude of the individual when considering action.

Consistency

The Council will carry out its duties in a fair, equitable and consistent manner. While officers are expected to exercise judgement in individual

cases, we will have arrangements in place to ensure consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the National Association of Taxi and Private Hire Licensing Enforcement Officers.

Levels of Enforcement Action

Prevention –. The first step will be to help prevent contravention of the law and conditions by raising awareness and promoting good practice.

Informal Action / Warnings – Breach of Condition or Driver's Conduct. - The Council will use its best efforts to resolve any situation where the law may have been broken or conditions not conformed with, without taking formal action. This action will be by way of verbal advice, issuing of a vehicle defect rectification notice, written notice or written warnings depending on the seriousness of the breach. Three written notices or warnings within a 12 month period will usually result in formal action.

Formal Action – This includes the suspension, revocation or non renewal of a licence, and the use of cautions or prosecutions. These actions may be considered appropriate in the following circumstances;

- A flagrant and serious breach of the law such that public health, safety or well being is or has been put at risk.
- A past history of non-compliance or persistent/multiple offending.
- Where an existing Licensee is convicted of an offence which may have prevented the initial grant of a licence.

Prosecution – In deciding whether to prosecute we follow the guidance set out in the Code for Crown Prosecutors to ensure the case passes both the evidential test and the public interest test. Prosecution may follow if one or more of the following circumstances apply:

- Where there is a serious risk or danger to public or personal safety.
- Where there is failure to follow advice with regard to legal requirements.
- Where there is a history of similar offences.
- Where the offence involves a failure to comply, in full or in part, with a written warning and/or caution.

Any formal enforcement action will be taken with regard to general principles of good enforcement, and will only take place following a interview under caution with an authorised officer from the council, unless the circumstances are exceptional and warrant more immediate action, especially where the safety of the public are concerned..

There will be a right of appeal to the Magistrates Court.

Any departure from this policy must be exceptional, capable of justification and be fully considered by relevant authorised officers before a decision is taken, unless officers feel that there is a significant risk to the public in delaying the decision.

Appendix D

HARBOROUGH DISTRICT

COUNCIL

BYELAW

**Chief Executive Officer
The Symington Building
Adam & Eve Street
Market Harborough
Leics.
LE16 7AG**

HARBOROUGH DISTRICT

COUNCIL

BYELAWS FOR HACKNEY CARRIAGES

Confirmed by the Secretary of State for Transport and operative on 1st July 1987

HARBOROUGH DISTRICT COUNCIL

BYELAWS FOR HACKNEY CARRIAGES

made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the District Council of Harborough with respect to hackney carriages in Harborough District.

Interpretation

1. Throughout these byelaws “the Council” means the District Council of Harborough and “the district” means Harborough District.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.

2.
 - a. The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto
 - b. A proprietor or driver of a hackney carriage shall:
 - i. not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:
 - a. provide sufficient means by which any person in the carriage may communicate with the driver;
 - b. cause the roof or covering to be kept water-tight;
 - c. provide any necessary windows and means of opening and closing not less than one window on each side;

- d. cause the seats to be properly cushioned or covered;
 - e. cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - f. cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - g. provide means of securing luggage if the carriage is so constructed as to carry luggage;
 - h. provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - i. provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed attached and maintained as to comply with the following requirements, that is to say:
- a. the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face on the taximeter;
 - b. such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - c. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the Council in that behalf;
 - d. the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - e. the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - f. the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear any and what badges

5. The driver of a hackney carriage provided with a taximeter shall:
 - a. when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b. before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - c. cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
 - a. proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
 - b. if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - c. on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - d. from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - a. convey a reasonable quantity of luggage;
 - b. afford reasonable assistance in loading and unloading;
 - c. afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. a. The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.

- b. the proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

- 16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- 17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
 - a. carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police Station in the District and leave it in the custody of the officer in charge of the office on his giving a receipt for it,
 - b. be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Police Station to which the property was carried, whichever be the greater) but not more than five pounds.

Penalties

- 18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefor.

THE COMMON SEAL of the)
 HARBOROUGH DISTRICT)
 COUNCIL was hereunto)
 affixed this 29th day of April)
 1987 in the presence of:-)

(s) W R Crane
Chairman of the Council

L.S.

(s) D Storey
District Secretary

The foregoing byelaw is hereby
confirmed by the Secretary of
State and shall come into
operation on the 1st July 1987

H.Fawcett
an Assistant Secretary in the Department
of Transport on behalf of the Secretary
of State for Transport

I hereby confirm that the foregoing is a true copy of the byelaws as confirmed by the Secretary
of State.

6th July 1987

D Storey
District Secretary.

DECLARATION:

I (name in print) have received, read and understand this policy and agree to abide by the terms and conditions herein.

In particular I agree to advise the Regulatory Service Manager in writing within 72 hours should I be involved in any motoring accident and within 48 hours of receiving any motoring or criminal conviction or caution.

Signed

Dated

Please sign, date and return one copy of this page to:

**Licensing Team
Harborough District Council
The Symington Building
Adam and Eve Street
Market Harborough
Leicestershire
LE16 7AG**

licensing@harborough.gov.uk