



**New combined
Hackney Carriage and
Private Hire Driver**

Information Pack

December 2018

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Prior to commencing the application process or spending any money on your application or the associated assessments please read this document carefully. If you have any concerns or questions please contact the licensing section for further help and guidance.

1. Your application for a combined Hackney carriage / private hire driver licence.

To become a driver you MUST have:

- Held a full UK or EU driving licence for at least 12 months;
- Passed the Knowledge Test;
- Passed a Private Hire and Taxi Driving Test;
- Completed a Disclosure and Barring Service criminal record check and must not have any previous convictions or cautions that would prevent you from becoming a licensed driver;
- Submitted a valid medical & certification;
- Submitted a valid application form;
- Been able to prove that you have the right to work in the UK;
- Produce a certificate of good conduct - if you have lived outside the UK for a period of 6 months or more;
- Submitted a DVLA driving licence check;
- Completed a Safeguarding Course within the last 12 months held by either North East Derbyshire District Council, Bolsover District Council or Chesterfield Borough Council.

A. The Knowledge Test

Our knowledge tests take place most Wednesday mornings at 10:00 and you must make an appointment to attend a test session. The tests are electronic and are completed on hand held devices. You will have one hour to complete the test.

The theory test comprises of forty multiple choice questions. All the questions will relate to the following topic areas:

- **Local Knowledge**

Example question -

NEDDC's transport depot is located where?

- a) Killamarsh
- b) Eckington
- c) Holmewood
- d) Clay Cross

- **Licence conditions, policy and law**

Example question -

Which of the below must you pass before submitting an application to obtain a combined private hire and hackney carriage drivers badge for North East Derbyshire District Council?

- a) A North East Derbyshire District Council knowledge test
- b) An English GCSE
- c) An English A Level
- d) An English Degree

- **Highway Code**

Example question -

What is the national speed limit on a motorway?

- a) 60 mph
- b) 70 mph
- c) 50 mph
- d) 40 mph

- **Basic numeracy and literacy**

Example of question -

You take 4 passengers to the Chesterfield train station, the fare is £20.00 and the passengers want to pay individually, how much do they pay each?

- a) £7.50
- b) £3.00
- c) £2.50
- d) £5.00

You will receive a pass or fail mark for the test paper as a whole. The pass rate for the test is 70%.

From the 1st January 2019 the Council will be introducing a charge for theory tests.

Applicants can take no more than three tests in a 12-month period.

PLEASE NOTE: A list of the Hackney Carriage and Private Hire Licensing Law and Council, standards conditions of licence, rules and Policy can also be found attached below at Appendix A. The majority of questions within the Knowledge Test will relate to the information contained within Appendix A.

To book a knowledge test please telephone North East Derbyshire District Council on 01246 231111 and ask for Environmental Health Admin.

Passing the Test

When you pass the knowledge test you will be sent confirmation and a certificate that you have passed together with an application pack to enable you to make a valid application.

Failing the Test

If you fail the knowledge test you can make another appointment to re-sit the full test. Please note that you will be charged the standard test fee for each test including resits and you will not be able to take more than three tests in a twelve month period.

B. DVLA Group 2 Medical

All new applicants for driver licences with the Council will be required to complete a medical declaration and a Group 2 Medical with a qualified medical practitioner.

Any costs incurred by the applicant in obtaining the completed medical form must be met by the applicant.

You will be provided with the DVLA D4 medical form and a medical declaration form, both of which should be completed by the Doctor and should be signed and stamped with the practice information.

C. Disclosure and Barring Service Check

You will need to make arrangements to attend the Council Offices to complete a Disclosure and Barring Service (DBS) application form. To complete this form you will be asked to bring in original documents, this is explained further in the factsheet (Appendix B). Once this application form has been completed the Disclosure and Barring Service will send you a Disclosure Certificate to your home address.

The Council does not receive a copy of the certificate, so it is your responsibility to produce this Disclosure Certificate to the Council before your licence can be issued.

Disclosure Certificates will only be accepted if they have been carried out by North East Derbyshire District Council.

PLEASE NOTE: IT WILL BE A CONDITION OF YOUR LICENCE, ONCE GRANTED, THAT YOU JOIN THE DBS - UPDATE SERVICE. YOU CAN JOIN THE DBS UPDATE SERVICE AS FOLLOWS:

If you've not yet applied for a DBS check, you can register for the update service using your application reference number (the 'form ref' on your application form – this will be provided to you when you attend the Council Offices to complete the form). DBS must receive your application within 28 days.

If you've already received your certificate, you can register for the update service using your DBS certificate number. You must do this within 30 days of the certificate being issued.

You can register for the update service here: <https://secure.crbonline.gov.uk/crsc/apply?execution=e1s1>

It is important that you keep your original certificate as you will need to produce this each time your DBS Status is checked and also when you renew your licence.

There is a cost of £13.00 per year for this service.

No licence is issued until the check has been carried out and all relevant documents are received.

Your information will be dealt with securely and will only be seen by those who need to know what is in it. The Council complies with the "Code of Practice for Registered Persons and other recipients of Disclosure Information". A copy will be made available to you on request.

D. Right to work in the UK

We are now required to check that all applicants for hackney carriage and private hire driver licences have the right to work in the UK.

If you cannot prove you have the right to work in the UK, then we will not be able to issue you with a licence.

If you have a limited right to work in the UK then any licence granted will expire on the day that your right to work expires and if your right to work is extended you will have to apply to renew your licence.

You will be required to produce one or more documents as highlighted in the Evidence to support the right to work in the UK list (Appendix C).

E. Certificate of Good Conduct

If you have lived outside the UK for a period of more than six months you will need to provide a Certificate of Good Conduct from the country where you resided.

See Appendix E for more information regarding Certificates of Good Conduct.

If you are unable to provide a certificate of good conduct you should contact the Licensing Section to discuss this matter further.

F. Private Hire and Taxi Driving Test

As part of your application you will be required to provide a certificate confirming that you have passed a private hire and taxi driving test. We will accept certificates from either of the companies below:

Blue Lamp Trust - you will need to complete the Taxi Driver Assessment, the fee for this test is £87.00*.

Contact details

Please book a test online - <https://www.bluelamptrust.org.uk/>

For enquiries call - 0333 700 0157, Monday to Friday 09:30 - 15:00

Diamond Advanced Motorists - you will need to complete the Standard Taxi Test as a minimum, the fee for this test is £85.00*. If you are planning on driving a wheelchair accessible vehicle please complete the Enhanced Taxi Test, the fee for this test is £95.00*.

Contact details

Please book your test online - <https://www.advancedmotoring.co.uk/taxi-tests/>

For enquiries call - 020 8253 0120

If you have previously taken and passed either of the above tests you do not need to take the test again, so long as you can provide evidence that you have successfully completed the test. **Fees may be subject to change without notice.*

G. DVLA driving licence check

When you submit your application you will also be asked to provide a Check Code from the DVSA website so that we can check your driving licence.

The website can be found here:

<https://www.gov.uk/view-driving-licence>.

The check code only lasts for 21 days.

Please be careful when copying out the code it is case sensitive!

If you prefer Officers can assist you in obtaining the check code at the time you submit your application to the Council.

H. Safeguarding Course

All new taxi drivers are required to undergo this training to demonstrate their status as a 'fit and proper' person to hold a licence. These training courses take place once a month and are held either at NEDDC Council offices on Mill Lane in Wingerworth or at Chesterfield Borough Council offices at the Town Hall in Chesterfield.

You will need to contact the Council to book a place.

I. Dealing with your application

The Council will not accept an application for a combined hackney carriage and private hire vehicle driver licence unless it contains the following:

- Application form
- Fee
- Proof of right to work
- Completed DBS application form together with original copies of the prescribed documents or DBS update

- DVLA licence check
- Photo

If you attend your appointment without any of the above information your application will not be processed and you will be asked to make a further appointment to submit your application.

We will accept the following information after the initial application has been made:

- Medical
- Certificate of good conduct
- Safeguarding certificate
- Practical driving test certificate
- DBS certificate

Your information will be dealt with securely and will only be seen by those who need to know what is in it. The Council complies with the "Code of Practice for Registered Persons and other recipients of Disclosure Information". A copy will be made available to you on request.

J. The grant of your combined Hackney Carriage/Private Hire driver licence

Once you have completed the steps set out above a Hackney Carriage/Private Hire Vehicle Driver's Licence will normally be granted for a period of three years, if you are deemed to be 'Fit and Proper' to hold a licence.

Driver licences can be granted for a shorter period in exceptional circumstances at the discretion of the Licensing Section. For further information contact the Licensing Section.

However, if you have any criminal convictions, serious driving endorsements, multiple driving endorsements or any issues of concern your application may be referred to the Licensing Committee for them to decide whether or not to issue you with a licence.

Having a criminal record will not necessarily bar you from getting a licence. This will depend on the nature, number, circumstances and background of your offences.

2. The renewal of your combined Hackney carriage / private hire driver licence.

Applications for renewal must be submitted sufficiently far in advance of the expiry of the previous licence. It is recommended that applications for renewal are submitted by return on receipt of a renewal letter, or in any event not less than 3 months prior to the current badge expiry date.

Please remember, it is your responsibility to ensure all applications are submitted on time, and with all supporting documentation. Failure to do so may result in your application being rejected and/or licence expiring. If you let your licence expire you will be required to apply for your licence as a 'new applicant' and will be required to complete the practical driving & theory tests.

If your licence expires you will no longer be authorised to drive a Hackney Carriage or Private Hire Vehicle.

A. Disclosure and Barring Service Requirements during the licence period and on Renewal

All driver licences are normally granted for three years, every renewal application will be expected to be accompanied by a DBS application, unless you are signed up to the DBS update service then a check on your certificate will be required.

Please note it will be a condition of your licence that the Council reserves the right to request a further DBS check in the interim period if there is a good reason for doing so and you will have to meet the cost of this check.

PLEASE NOTE: IT WILL BE A CONDITION OF YOUR LICENCE, ONCE GRANTED, THAT YOU JOIN THE DBS - UPDATE SERVICE. YOU CAN JOIN THE DBS UPDATE SERVICE AS FOLLOWS:

If you've not yet applied for a DBS check, you can register for the update service using your application reference number (the 'form ref' on your application form – this will be provided to you when you attend the Council Offices to complete the form). DBS must receive your application within 28 days.

If you've already received your certificate, you can register for the update service using your DBS certificate number. You must do this within 30 days of the certificate being issued.

You can register for the update service here: <https://secure.crbonline.gov.uk/crsc/apply?execution=e1s1>

It is important that you keep your original certificate as you will need to produce this each time your DBS Status is checked and also when you renew your licence.

B. Medical Requirements during the licence period and on Renewal

Applicants under the age of 45 will not be expected to supply a new medical with their renewal application.

Applicants who are aged 45 – 64 are required to supply a medical when they reach the age of 45 and once every 5 years thereafter.

Applicants aged 65 or over are required to supply a medical when they reach the age of 65 and annually thereafter.

If you reach one of the above triggers during the licence period you will be asked to complete a new DVSA D4 medical form and medical certificate. Failure to do so may result in your licence being suspended or revoked.

Please note it will be a condition of your licence that the Council reserves the right to request a further Medical check in the interim period if there is a good reason for doing so and you will have to meet the cost of this check.

C. Provision of Information during the licence period

It will be a condition of your licence that you may be requested to provide information to the Council during the currency of your licence. Failure to provide the information could result in you having your licence suspended or revoked by the Council. You will be responsible for any costs incurred in providing the requested information.

Appendix A - Knowledge test

a) **Standard Conditions attached to a Combined HC\PH Driver Licence.**

The holder of a private hire driver's licence shall comply with the following conditions. In addition to the conditions set out below, any requirements set out in Part 4 of this Policy will form part of the Licence conditions.

1. Conduct of driver

- 1.1 At all times when working the driver shall wear the badge supplied by the Council ensuring it is clearly visible. He shall not permit any other person to wear it and on termination or surrender of a driver's licence, he shall return the badge to the Council immediately.
- 1.2 The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons using the vehicle.
- 1.3 The driver shall not for any reason cause or permit the vehicle licence plate or signage to be concealed, obscured or defaced.
- 1.4 The driver will attend all bookings punctually unless prevented or delayed with good reason.
- 1.5 The driver will always drive to a destination by the shortest available route unless a different route has been agreed with the hirer.
- 1.6 The driver shall not carry in a vehicle more persons than the number specified on the vehicle licence.
- 1.7 The driver shall carry a reasonable amount of luggage if required, and offer reasonable assistance in loading and unloading luggage.
- 1.8 The driver must not solicit, by calling out or by any other means, any person to hire or be carried for hire. The driver will only carry passengers who have booked through a licensed Operator.
- 1.9 The driver shall ensure the vehicle is presented in a suitable condition for each journey.
- 1.10 The driver must only drive a private hire vehicle with the consent of the proprietor of the vehicle.
- 1.11 A driver must not eat or drink in the vehicle if asked not to by the hirer.
- 1.12 A driver must not play any radio or sound equipment (except that connected with the operation of the business) if asked not to by the hirer. The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any person, whether inside or outside the vehicle.
- 1.13 Smoking is prohibited in the vehicle at any time due to the Health Act 2006. The use of electronic cigarettes ("vaping") is also prohibited.
- 1.14 The driver shall not get the hirer's attention, as a means of signalling that the vehicle has arrived, by operating the horn or shouting.
- 1.15 The driver must not cause or permit the vehicle to stand on a road or in a public place as to suggest that it is available for immediate hire, or use any hackney carriage stand.
- 1.16 Drivers must not use a hand-held mobile telephone or other hand-held interactive communications device at any time the vehicle is in motion or stopped at traffic lights etc. A vehicle must be correctly parked before such equipment is used.

2. Fitness of driver

- 2.1 The driver must not drive any private hire vehicle if they know of any medical condition which may affect their driving ability and the health and safety of themselves and/or any passengers. The driver must contact the Council immediately if this happens.

3. Fares and journeys

- 3.1 The driver shall, if requested by the hirer, provide the hirer with a written receipt for the fare paid.
- 3.2 If the private hire vehicle is fitted with a faresmeter, then the driver of a private hire vehicle shall:
- Bring the meter into operation at the commencement of the journey (unless the hirer wishes to engage by time or has agreed a fare in advance); and
 - Not demand a fare in excess of any previously agreed for that hiring between the hirer and the operator or the fare shown on the face of the meter.

4. Duties of licence holder

- 4.1 The Council must be notified of any change in circumstances affecting this licence, within seven days of that change in circumstances.
- 4.2 The private hire driver's licence must be made available for inspection, on request, by any authorised officer of any Council or any Police Officer.
- 4.3 The driver must notify the Council, within seven days of joining or leaving an operator, of the name and address of the operator concerned.
- 4.4 The private hire driver's licence must be presented to the operator concerned, before commencing work with that operator.

- 4.5 All licences, badges etc issued remain the property of the Council at all times. They must be returned immediately when the licence expires and is not renewed or where the licence is suspended or revoked.
- 4.6 The driver must notify the Council of any change of details, including their address, telephone number or email, within seven days.
- 4.7 The driver must notify the Council, within seven days, of any conviction or caution for an offence, or of any fixed penalty imposed on him/her whilst the licence is in force. Failure to disclose a conviction may result in an immediate licence suspension, pending investigation.
- 4.8 The loss or theft of any driver's licence shall be reported to the Council as soon as possible. In the case of theft, the Police must also be informed.

5. Lost property

- 5.1 After every booking the driver shall carefully search the vehicle for any property which may have been accidentally left. Where possible any property found should be returned to the owner (at no cost to the person who has lost the property). If this is not possible, it must be taken as soon as possible (and in any event within 24 hours) to the driver's Private Hire Operator or their Hackney Carriage Proprietor.

6. Accident reporting

- 6.1 A driver shall report to the Council, within 48 hours, any accident to a private hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle, the comfort or convenience of persons using the vehicle, or risk of injury to any person.

7. The carriage of animals

- 7.1 A driver must not carry in a private hire vehicle any animal whilst it is being used as a private hire vehicle, except as provided for below.
- 7.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
- 7.3 A driver must carry assistance dogs if required. Assistance dogs include Guide Dogs for the Blind or partially sighted, hearing dogs for the hard of hearing and other assistance dogs which assist disabled people with a physical impairment. This includes dogs in training for such roles.
- 7.4 Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. A certificate of exemption will be supplied in accordance with any relevant criteria and policy.

8. Wheelchair accessible vehicles

- 8.1 All drivers of wheelchair accessible vehicles -
- Must be suitably trained;
 - Must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle;
 - Must, before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system, the brakes of the wheelchair have been applied and the passengers are suitably secured with lap/diagonal seat belts;
 - Must ensure that any wheelchairs, equipment and passengers are carried in such a manner that no

danger or injury is likely to be caused to those passengers or to anyone else, in accordance with the relevant regulations.

9. Working hours

- 9.1 Drivers will fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.
- 9.2 The driver must not work excessive hours that may affect their ability to drive.
- 9.3 The driver must not drive when fatigued.

10. Provision of information

- 10.1 Where requested to do so by an Authorised Officer of the Council, the licence holder will provide a criminal record check, medical report, DVLA licence report or any other information, at his own expense, so as to enable the Council to assess if the licence holder remains 'fit and proper' to hold a driver licence with the authority.

11. Vehicle Checks

- 11.1 Drivers should check any vehicle they are driving on a daily basis and before use to ensure the following, as a minimum, are in legal working order:
- Lights
 - Tyres/wheels
 - Wipers
 - Fluid levels
 - Brakes
 - Handbrake
 - Wheelchair equipment (on wheelchair accessible vehicles)

The check should be recorded in writing, including details of any defects and remedial action taken.

b) Code of Good Conduct for Licensed Drivers.

In order to promote its licensing objectives the Council has adopted the following Code of Good Conduct, which should be read in conjunction with and which forms part of the licence conditions

1. Responsibility of the trade

Licence holders shall promote the image of the hackney carriage and private hire trade by:

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

2. Responsibility to customers

Licence holders shall:

- Maintain their vehicles in a safe and satisfactory condition at all times;
- Keep their vehicles clean and suitable for hire to the public at all times;
- Attend punctually when undertaking pre-booked hiring unless delayed by unavoidable circumstances. If delays are lengthy, the driver/operator should attempt to contact the hirer to inform them;
- Assist, where necessary, passengers into and out of vehicles; and
- Offer passengers reasonable assistance with luggage.
- In the event of a passenger who requires to be carried seated in a wheelchair presenting themselves at a taxi rank, or hailing a hackney carriage on the street and the hackney

carriage which the passenger has presented themselves to or hailed is not wheelchair accessible, drivers must either:

- Divert the passenger to a wheelchair accessible vehicle on the rank if one is available; or
- Use their phone or radio to contact an operator of a wheelchair accessible hackney carriage to arrange to collect the passenger as soon as possible.

3. Responsibility to residents

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

- Not sound the vehicle's horn illegally including to get the hirer's attention;
- Not get the hirer's attention by shouting;
- Keep the volume of entertainment devices to a minimum;
- Switch off the engine if required to wait; and
- Shall not leave litter behind.
- Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:
- Rank in an orderly manner and proceed along the rank in order and promptly; and
- Remain in the vehicle.
- At a private hire operator's premises, a licence holder shall -
- Not undertake servicing or repairs of vehicles which cause nuisance, disturbance or distress to neighbouring residents;

- Not allow their entertainment devices to cause disturbance to residents of the neighbourhood; and
- Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

4. General

Drivers shall -

- Pay attention to personal hygiene
- Dress so as to present a professional image to the public
- Not wear any clothing or other item that is likely to cause offence
- Not have any signage or material in or on the vehicle that is likely to cause offence;
- Be polite, helpful and fair to passengers;
- Drive with care and due consideration for other road users and pedestrians

PLEASE NOTE - ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT.

THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE CONSUMED ANY ALCOHOL OR HAVING MISUSED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE.

c) Vehicle Licence Application Procedures

Vehicle licence application procedures – (Hackney Carriage & Private Hire)

1. The Council will not issue a licence until they are satisfied that the vehicle has passed a test at its testing station.

Prior to presenting your vehicle for inspection you **MUST** submit your application, supporting documents and licence fee to the Licensing Section at Mill Lane, Wingerworth. An appointment **MUST** be made if you are attending in person. To make an appointment please telephone North East Derbyshire District Council on 01246 231111 and ask for Environmental Health Admin.

Applications can also be submitted by post or via email to licensing@ne-derbyshire.gov.uk. When submitting an application by email we can arrange payment of the licence fee to be made over the phone.

2. When presenting an application, the following documents **MUST** accompany the application form -
 - **REGISTRATION DOCUMENT** – which must show the registered keeper(s), or a bill of sale which clearly states details of the vehicle, the vendor and purchaser;
 - **INSURANCE CERTIFICATE OR COVER NOTE** – applicants may be required to produce further evidence on or before the expiry of the cover note;
 - **MOT CERTIFICATE**
3. In every application, the full name and address shall be given of –
 - The person applying for a licence;
 - Every owner or part owner of the vehicle;
 - Any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of the vehicle;
4. When the owner is an incorporated body, the full name/company name and registered office address shall be given.

5. Any person who knowingly omits the name of any person who is a proprietor or part proprietor of such vehicle, or who is concerned in the keeping, employing or letting to hire of such vehicle may be liable to further action by the Council.
6. The names that appear on the declaration of ownership will be entered on to the hackney carriage/private hire vehicle licence and in every such licence shall be specified the name and surname and place of abode of every person who is a proprietor or part proprietor of the hackney carriage/private hire vehicle in respect of which such licence is granted.

7. **Examination of Vehicle**

Prior to licensing the vehicle and after submitting your application and the documents/fee listed above to the Council you will need to arrange your own appointment with the testing station. If the vehicle is already licensed then your appointment with the testing station must be before the expiry date of your current licence. Their details are as follows:

**Eckington Depot, Rotherside Road,
Eckington, Derbyshire S21 4HL
Tel: 01246 217273**

If your vehicle passes the test at the testing station they will fit all brackets, plates and stickers to your vehicle. The Private Hire Vehicle/Hackney Carriage Plates will be issued for a period of six months.

If your vehicle fails the test arrangements will need to be made for a re test before Private Hire/Hackney Carriage plates are issued.

Your Private Hire/Hackney Carriage Licence will follow in the post.

8. **Renewal of your Vehicle Licence**

Prior to the expiry date of your licence the Council will endeavour to remind you that your Vehicle Licence is due to be renewed. Application forms, appropriate

fees and supporting documentation should be submitted at least 7 days prior to the expiry of the previous licence.

However, it is your responsibility to ensure all applications are submitted on time, and with all supporting documentation. Failure to do so may result in your licence expiring. If your licence expires you will no longer be authorised to use the vehicle as a Private Hire Vehicle or Hackney Carriage.

d) Vehicle specifications and conditions of licensed vehicles.

1. General

All licensed vehicles shall:

- Comply with Road Traffic legislation
- Have one of the following vehicle type approvals:
 - EC Whole Vehicle Type Approval;
 - EC Small Series Type Approval;
 - National Small Series Type Approval; or
 - Individual Vehicle Approval
- Be right-hand-drive
- Be one of:
 - A 4-door saloon vehicle;
 - A 5-door hatchback, estate vehicle or people-carrier;
 - A wheelchair-accessible vehicle;
 - A multi-purpose vehicle (MPV); or
 - In the case of hackney carriages, a purpose-built “black cab” type vehicle.
- Not have been written off for insurance purposes at any time.
- Enable any person in the vehicle to communicate with the driver.

- Be maintained in sound and roadworthy condition.
- Not be fitted with any modification which increases risk to passengers, pedestrians or other road users.

2. Doors

All saloons, estates or purpose built hackney carriage vehicles shall have at least four side opening doors, which are capable of being opened from the inside and the outside.

Minibuses, wheelchair-accessible vehicles, and people carrier type vehicles shall have at least three doors not including any tailgate or rear doors. All such vehicles must carry a safety hammer, capable of being used to break the glass of the vehicle, which is securely located in the driver's compartment.

All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.

All vehicles must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers.

3. Seats

Passenger seats must be of a size and design considered safe and comfortable.

Where a minibus or similar vehicle is capable of carrying more than 8 passengers, excess seating must be removed – and the fixings/wheelchair restraints disabled – before a licence shall be granted.

Where seats have been removed the vehicle shall not be licensed until the log book has been amended to accurately record the remaining number of seats.

The vehicle log book must accurately reflect the number of seats and the vehicle type approval.

NB For the purposes of this Policy a wheelchair counts as one seat/passenger.

4. Seat belts

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British National Standards except where the law specifically provides an exemption.

In relation to the carriage of Child Passengers, vehicles must comply with current seatbelt legislation.

5. Passenger capacity

The Council will determine the maximum number of passengers a vehicle will be licensed to carry. At no times shall the vehicle carry more than the permitted number of passengers. A child of any age, irrespective of how they are transported, is counted as one passenger.

A vehicle will not be licensed to carry more passengers than the number of seats displayed on the log book.

6. Ventilation

Vehicles must have windows at the rear and sides along with means of opening and closing not less than one window on either side.

Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available.

7. Luggage

Luggage carried must be safely stored and not obstruct any exit.

8. Maintenance and condition of the vehicle

The vehicle shall at all times:

- Be kept in a clean and safe condition inside and outside.
- Be free of large dents, rust or unrepaired accident damage.
- All seats in the vehicle must function in accordance with the original manufacturer's specification.
- Have wheels and tyres which are legal and roadworthy. Tyres should have uniform load rating and be appropriately set to the manufacturer's specification (including tracking, balancing, pressure etc).
- Vehicles with tyres found to have a tread between 1.6mm and 2.0mm may have their licence suspended under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 until the tyres have been replaced.
- Carry a serviceable spare wheel and tyre, jacking equipment and wheel brace, securely stored. Alternatively a contract must be in place with a reputable roadside recovery/tyre replacement company to attend and replace the wheel/tyre.
 - Space savers are acceptable but a conventional wheel and tyre must be fitted at the earliest available opportunity and, in any case, prior to commencing any future journey.
 - An emergency puncture repair kit will be considered as an acceptable alternative only where supplied as standard by the manufacturer.

9. Modifications

No material alteration or change in the specification, design, condition or appearance of the vehicle may be made while the licence is in force without first complying with road traffic and insurance legislation and secondly without the approval of an officer acting under delegated powers.

10. Licence plates and stickers

All plates, signs, side stickers, etc remain the property of the Council and must be surrendered to an Authorised Officer upon request following suspension or revocation of a vehicle licence.

Except as provided below, at all times while the vehicle is licensed as a hackney carriage or private hire vehicle, there shall be securely fixed to the exterior front and exterior rear of the vehicle the appropriate vehicle licence plates supplied by the Council. Magnetic plates are not permitted.

The maximum number of persons to be carried is identified on the vehicle licence plate referred to above.

At all times while a vehicle is licensed there shall be displayed on the dashboard and rear passenger windows stickers which identify the vehicle as either a private hire or hackney carriage vehicle. On these will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

The proprietor of the vehicle shall ensure the plates remain affixed to the outside and inside of the vehicle, as appropriate.

Within one week of a licence expiring or being surrendered, revoked or suspended the vehicle licence holder shall return the expired licence and vehicle plates to the Council.

11. Plate Exemptions

Vehicle proprietors may apply to the Council for an exemption from the requirement to display external plates on a vehicle. Vehicles shall only be granted an exemption where the following criteria are met:

- The vehicle is considered to be of a prestige marque and/or specification;
- The vehicle is to be used exclusively for pre-booked executive transportation;
- The vehicle is not to be used for any other purposes;
- An exemption notice shall be issued which must be carried in the vehicle at all times;
- The plates must be securely installed inside the boot/tailgate of the vehicle;
- Any change in circumstances must be immediately reported to the Council.

These requirements shall, where an exemption is granted, be considered to be part of the vehicle licence conditions.

Where an exempt vehicle is found to be in breach of these conditions, e.g. being used for town centre bookings or school contract work, the exemption will be revoked.

When considering whether to grant an exemption the Council will have regard to the type of work undertaken, the customer expectations or requirements and the type of vehicle being licensed.

We will not normally consider vehicles to be of an executive nature where they carry advertising and/or additional signage relating to the company

NB “Executive transportation” means where the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who, for security or personal

safety reasons, would not want the vehicle to be identifiable.

12. Livery, signage and advertising

Livery – Hackney Carriages

Hackney carriages will be required to be painted white with the exception of the bonnet and boot/tailgate which shall be black.

An exception will be made for substitute hackney carriages following damage or an accident (for a maximum period of 1 month) if the substitute vehicle is licensed appropriately.

Livery – Private Hire Vehicles

Private hire vehicles shall be painted 1 COLOUR ONLY. They shall not be painted to resemble a hackney carriage.

Advertising – All Vehicles

Both hackney carriages and private hire vehicles are required to display a plate on the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. In the context of this policy “plate” includes any identifying licence markings or device irrespective of the material or means of fixing to the vehicle.

Private hire vehicles in the district are also required to display such signage as the Council deems appropriate.

All licensed vehicles must display signage indicating which operator it is working on behalf of.

No sign or advertisement shall cover, obscure or be confused with the vehicle’s licence plate or any signage required to be displayed by these conditions.

Vehicles will be required to display the legally required no smoking signage.

Vehicles capable of carrying passengers in a wheelchair may display the relevant signage.

Operator Advertising

Advertising/signage limited to the Operator's name and contact details (and meeting the Council's specifications) shall be displayed on all vehicles carrying out private hire work. All vehicles except those exempt from displaying licence plates must carry operator signage.

Third Party Advertising

Any other advertising will only be permitted with the express consent of the Council. The content, type and location of such advertising shall be entirely at the discretion of the Council.

The advertising of tobacco or related products, alcohol or related products, sexual entertainment venues, sexual content or other hackney carriage/private hire organisations is strictly prohibited.

Hackney Vehicle Signs

Hackney carriage vehicles must carry an illuminated roof sign, which can be marked "TAXI", to indicate availability for hire. The roof light must be extinguished at all times when the meter is in use or the vehicle is located outside the district of North East Derbyshire.

Private Hire Vehicle Signage

A private hire vehicle must not carry any roof sign or any markings that might give the impression that it is a hackney carriage.

Any advertising or signage on the vehicle must not include the words "taxi", "cab", "hackney carriage" or similar.

13. Deposit of licences

Before a proprietor permits any other person to drive a private hire vehicle they shall make a copy of that person's PHV driver's licence. The copy licence must be kept until such time as the driver ceases to be permitted or employed to drive that vehicle.

The proprietor of the vehicle will provide evidence to the operator that the vehicle is licensed.

The loss or theft of any vehicle licence shall be reported to the Council as soon as possible. In the case of theft, the Police must also be informed.

14. Communication devices

Any radio, PDA or other mobile communications device must be:

- Of a type that can be safely operated while driving; and
- Fitted securely and not in a position to obstruct vision or impede driving.

The use of a Citizen Band (CB) transmitter, radio scanner or receiver by a driver is prohibited.

15. Meters

Hackney Carriages

A meter must:

- Be fitted and be correctly calibrated, sealed and fully functional.
- Calibrated in accordance with the current Council approved fare structure.
- NB If a meter can be calibrated electronically without manually adjusting the device a certification of calibration will be required.
- Be used for the duration of all hire journeys except those ending outside the district where a fixed fare was agreed at the outset.
- Easily visible to passengers & properly illuminated during hours of darkness.
- Fixed in place so it cannot be tampered with.
- When in operation, display clearly a fare which doesn't exceed the maximum permitted.

- If altered for any reason, be immediately made available to the Council for testing and resetting/ resealing (or a certificate of calibration provided for an electronic meter).

A GPS system used for calculating fares is not a meter.

Private Hire

Fitting a private hire vehicle with a meter is optional. Any meter fitted to a private hire vehicle must be calibrated, sealed and fully functional.

In any vehicle with a meter the current fare chart shall be clearly displayed in the vehicle or a notice displayed indicating that hire charges for the vehicle are not set by the Council but are a matter of negotiation with the hirer.

- The wheelchair and occupant must be safely secured using manufacturer-approved anchor points and restraints.
- Access ramps/lifts and other equipment must be properly tested, maintained in good working order and available for use at all times. Any equipment must be properly fixed in place before use and securely stored at any time the vehicle is in motion.
- Any driver of such a vehicle must have received sufficient training to safely load and convey wheelchair user passengers.

16. Trailers

Trailers may only be used with the prior approval of the Council and subject to the following requirements:

- Trailers can only be used in connection with pre-booked work and cannot be used for plying for hire on a rank;
- The trailer must at all times comply with all requirements of Road Traffic Legislation.
- The vehicle insurance must include cover for towing a trailer;
- Trailers must not be left unattended anywhere on the highway;
- A suitable lid or other means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

17. Disability access

Where a vehicle is used to carry a passenger in a wheelchair:

- Wheelchair access must not be obstructed.

18. Vehicles powered by liquid petroleum gas (LPG)

Any vehicle that has been converted to run on LPG must have a certificate issued by a member of the relevant regulatory body confirming satisfactory installation, examination and testing of the vehicle.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be securely stowed in a location that doesn't make the vehicle unsuitable for carrying passengers.

19. Tinted windows

The windows or windscreen of any vehicle may only be tinted to the manufacturer's standard specification.

Exceptions will be permitted for private hire vehicles where all the following requirements are met (which shall be conditions of the licence):

- The vehicle is a prestige type vehicle;

- The vehicle will not carry children/ young persons aged under 18 unless accompanied by an adult; and
- The operator must, unless such a vehicle has been specifically requested, inform every hirer that such a vehicle will be supplied.

20. Vehicles for 5 to 8 passengers

Vehicles must have a current valid V5 certificate (log book) and MOT certificate which correctly show the same number of seats the vehicle is licensed for.

Vehicles must also have sufficient doors for passengers and/or emergency escape windows to satisfy the Council that the vehicle is safe and suitable.

Provision must be included to ensure that luggage is stored safely and securely and must not obstruct the use of exits.

In vehicles specifically adapted to carry disabled passengers, rear door access may be provided with a tail lift system, but a visible and audible warning device must be installed to alert the driver in the event of the rear door being opened or not being properly secured whilst the vehicle ignition is switched on.

Steps (whether fixed or separate) must be provided to ensure vehicles are safe to access and securely stored, if appropriate, when not in use. Steps should be kept maintained and be fit for purpose at all times.

21. Alterations

Any of the requirements in these conditions, except those imposed by legislation, may be varied at the discretion of the Council by officers acting under delegated powers.

22. Insurance

The vehicle shall not be used to carry passengers unless covered by a legally compliant insurance policy for that purpose. Private Hire Vehicles must not be insured for public hire.

If existing insurance is cancelled, expires or ceases to cover the relevant use the Council shall be informed immediately and the vehicle shall not be used to carry passengers.

23. Changes

Where there is a change of circumstances affecting the vehicle licence the Council must be notified in writing within 14 days of such change.

24. Unauthorised use

The vehicle shall not be used by any person who does not hold a current private hire or hackney carriage driver's licence (as appropriate) issued by the Council.

25. Accident Reporting

Accidents must be reported as soon as is reasonably practicable and in any case within 72 hours.

Following any accident or damage to a vehicle:

- The Council may require that the vehicle is inspected by the Council's approved inspectors;
- An officer acting under delegated powers may suspend the use of a licensed vehicle until it is suitably repaired.
- NB If the Council cannot be satisfied about the condition of the vehicle any suspension notice shall clearly state it is issued on that basis only and is not evidence as to the condition of the vehicle.

26. Miscellaneous

The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose whatsoever.

27. Material use of Hackney Carriages

Hackney Carriages shall be used:

- For plying for hire (Hackney Carriages) within the district or;
- Carrying out pre-booked work predominantly within the district.

28. Daily vehicle checks

The proprietor, or a nominated representative, should check and record daily, before the vehicle is used, that the following, as a minimum, are in legal working order:

- Lights
- Tyres/wheels
- Wipers
- Fluid levels
- Brakes
- Handbrake

A log of checks must be kept in the vehicle for a minimum of 12 months and should include details of any remedial work undertaken.

29. Windscreens

A vehicle should have no cracks on its front windscreen. If the windscreen is cracked during a booking then that booking may be completed if safe and legal to do so, but the windscreen must be replaced or repaired prior to commencing any further bookings.

30. Vehicle licence and insurance documents

A copy of the vehicle licence and a current insurance certificate must be carried in the vehicle at all times.

31. Manufacturer recalls

It shall be the responsibility of the licence holder to ensure that any manufacturer recall of the vehicle is complied with as soon as reasonably practical.

32. Other requirements

- A copy of the vehicle licence shall be carried in the vehicle at all times and made available for inspection upon request by an authorised officer.
- A copy of the current insurance certificate shall be carried in the vehicle at all times and be made available for inspection upon request by an authorised officer.

e) **A licensed vehicle can only be driven by a person who holds the requisite licence issued by this authority. Private hire limousines/events vehicles.**

- 1 If your vehicle does not comply with the above conditions, your request will be referred to Licensing Committee for consideration.

f) **Private Hire Operator general requirements.**

1.1. Requirements and obligations

Any person who operates a private hire service (except a hackney carriage proprietor who permits hackney carriages to be used for private hire) must hold

a private hire operator's licence. The objective in licensing private hire operators is ensuring the safety of the public, who will be using operators' premises, vehicles and drivers arranged through them. "Operate" means to make provision for the invitation or acceptance of bookings for private hire vehicles in the course of business.

Before allocating a booked job, a private hire operator must ensure that the vehicle and driver are suitably licensed and fit and proper for use.

1.2. Criminal record checks and safeguarding

Before an application for a private hire vehicle operator's licence will be considered, the applicant must provide a current (less than three months old) Disclosure & Barring Scheme basic criminal disclosure or, in the case of an overseas applicant, sufficient other evidence to satisfy the Council of their suitability. The DBS application must be carried out through the Council and not by another organisation.

Where Operators have supplied an enhanced DBS Disclosure as part of a driver's licence application, they will not be required to provide a separate basic disclosure under this section if the enhanced check is still current.

Where the applicant is a company or partnership, every director, partner or person with day to day control of that company or partnership (where appropriate) will be required to submit the information required above.

All applicants will also be required to sign up to the DBS Update Service and to authorise the Council to carry out status checks using the Service. Licence holders will then be required to maintain the Service at all times while licensed. If the update service lapses

they will be required to apply for a new DBS Disclosure and renew their Update Service subscription. Failure to do so could result in their licence being suspended.

If at any time the Council considers it appropriate to require a further DBS disclosure be provided the relevant individual must provide one, at their own expense, as soon as reasonably practical.

Before a licence is granted or renewed all Operators will be required to undertake mandatory safeguarding training and assessment.

1.3. Conditions

The conditions set out in g) Private Hire Operator Conditions are considered reasonably necessary and will apply to all operators licences.

1.4. Licence duration

A successful applicant will normally be granted a private hire operator's licence for 5 years. However, if Operators wish to be granted a licence for a shorter period, or there are other grounds to consider a shorter period, the Council will consider this in exceptional circumstances.

It is the licence holder's responsibility to ensure that their operator's licence is renewed appropriately before expiry.

Evidence of a licence holder's continuing fitness to hold a licence must be provided when requested by an authorised officer of the Council.

1.5. Address from which an operator may operate

The licence will specify the address from which the operator may operate. The operator must notify the Council in writing of any change of address (whether

this is a home address or the address from which they operate) during the period of the licence, prior to changing the address. A business cannot legally operate from an address not specified on its licence.

1.6. Bases outside the Council's area

The Council will not grant an licence for an operator with a base that is outside the boundary of the district. This is considered both a legal requirement and a means to ensure that proper regulation and enforcement measures may be taken.

The Council will cease to renew the licences of operators who are currently licensed for bases outside the Council's area.

1.7. Private hire fares

Private hire fares may be determined by the operator that takes the booking. The operator may make their own agreement with the hirer as to the fare for a particular journey.

A private hire vehicle may have a calibrated meter, in which case a table of the Operator's applicable fares (which match those charged by the meter) must be displayed.

1.8 Sub-contracting

Where an Operator engages in sub-contracting of bookings, or holds more than one Operator's licence (whether with one or more authorities) they will be required to maintain clear records of which licence all bookings are recorded and carried out under.

2. Responsibility for Implementation

This Policy will be implemented by,

and at the discretion, the appropriate officers as determined by the Council's delegations scheme.

This and other policies set out the principles that govern the Council's licensing of hackney carriage and private hire vehicle drivers, operators and vehicles. Minor modifications to conditions, specifications or procedures may from time to time be modified by officers acting under delegated powers, except where not appropriate to do so.

3. Glossary of terms

Throughout this document -

- "The Council" means North East Derbyshire District Council.
- "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle.
- "Hackney Carriage" means a vehicle of any form or construction, licensed for standing or plying for hire in any street.
- "Hackney Carriage Driver" means a person licensed to act as driver of any hackney carriage.
- "Private Hire Vehicle" means a licensed vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.
- "Private Hire Driver" means a person licensed to act as driver of any private hire vehicle.
- "Private Hire Operator" means a person licensed to make provision for the invitation or acceptance of bookings for a private hire vehicle.

g) Private Hire Operator Conditions

In addition to the conditions set out below, any requirements set out in f) Private Hire Operator general requirements of this Policy will form part of the Licence conditions.

1. Standards of service

The operator shall:

- Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- Ensure that employed staff act in a civil and orderly manner at all times.
- Ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unavoidable circumstances beyond their control. If delays are lengthy, the driver/operator should contact the hirer to inform them.
- Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated.
- Ensure that any waiting area provided has adequate seating facilities.
- Ensure compliance with legislation regarding the length of working hours.
- Take all reasonable steps to ensure drivers are fit and suitable.
- Take all reasonable steps to ensure vehicles are safe and roadworthy.

2. Records

Records shall be kept:

- In a non-erasable form in a suitable log or book or in a computerised record system designed to prevent records being tampered with following the taking of a booking.

- For at least 12 months.
- Available for inspection, on request, by an authorised officer of the Council or a Police Officer.
- In accordance with the relevant data protection law.

The records to be kept include the information set out below and any other information as authorised officers may from time to time direct operators to keep.

2.1. Booking records

Prior to each journey, the operator shall enter the following details of every booking of a private hire vehicle accepted:

- The date and time of the booking.
- The name of the hirer.
- The name of the person taking the booking.
- The time of pick up.
- The address of pick up.
- The destination (unless automatically recorded by GPS).
- The time at which a driver was allocated to the booking.
- The plate number (or other identification) of the vehicle allocated.
- The fare quoted.
- Any sub-contracting arrangements.

2.2. Vehicles

The operator shall keep records of all private hire vehicles operated by him, including:

- A copy of the vehicle licence.
- A copy of a current insurance certificate.

- Whether the vehicle is wheelchair accessible.
- The seat-to-wheelchair configuration of wheelchair accessible vehicles.

2.3. Drivers

The operator shall keep records of all drivers of private hire vehicles operated by him/her, including:

- A copy of the HC/PHV driver's licence.
- This should be kept for at least 12 months after either expiry of the licence or the driver leaves the operators service.
- Details identifying the drivers of each vehicle.
- When any driver's service begins or ends.
- The current address of any driver.
- Details of any illness, disability or health condition which may affect the driver's ability to safely carry out his/her duties.
- The expiry dates of drivers' badges.
- The hours worked by each driver.

2.4. Lost Property

The operator shall accept all lost property presented to them by a driver who is undertaking bookings on their behalf.

The Operator shall record the following:

- The date and time they received the lost property.
- A description of the lost property
- The name and call sign of the driver handing in the property.
- The specific journey when the property was left in the vehicle.
- The date the item was reclaimed and by who.

The operator shall take all reasonable steps to reunite the lost property with its owner. If the lost property is a Passport, Driver Licence, Bank Card or other similar item the operator shall contact the issuer and either return the item to the issuer or follow any actions specified by them.

While the lost property is in the possession of the operator it shall be stored securely. The lost property shall be retained for a period of six months, if it is not reclaimed in that period and does not contain any personal information the operator shall dispose of the lost property. Any items which may contain personal information or images (including mobile phones) shall be destroyed and a record kept of that fact.

3. Complaints

The operator shall keep a written record of all complaints received and what action, if any, has been taken or proposed as a result.

The operator shall inform the Council immediately of any complaints deemed to be serious, including (but not limited to) safeguarding, discrimination, dishonesty, violence, public safety, alcohol, drugs, indecency, medical conditions etc.

4. Disclosure of convictions

The operator shall, within 7 days, notify the Council in writing of any conviction, caution or fixed penalty imposed on him. If the operator is a company or partnership, this requirement also applies if any of the directors or partners receive a conviction, caution or fixed penalty.

5. Insurance

The operator shall ensure:

- That every vehicle operated by him has a suitable motor insurance policy.

- That he holds sufficient and suitable insurance covering any loss, damage or personal injury that may occur. Details of such insurance must be made available to authorised officers of the Council on demand.

6. Display of terms and conditions

The operator shall, at all times, keep a copy of these conditions at any premises used by him/her for a private hire business and shall make the same available for inspection by fare paying passengers.

7. Inspection of licence

The Operator's Licence (or a certified copy) shall be displayed at the licensed address and be made available for inspection on request by any authorised officer of the Council or any Police Officer.

8. Nuisance

An operator shall not allow any premises used in connection with their private hire business to cause a nuisance to nearby residents or businesses, including (but not limited to):

- Undertaking servicing or repairs of vehicles which cause nuisance, disturbance or distress; and
- Allowing any entertainment devices to cause disturbance.

9. Safeguarding

An operator shall have a documented reporting procedure in place to deal with all safeguarding concerns and a record shall be kept of the following:

- The date, time and location that the concern was reported;

- The date, time and location at which the concern was first observed;
- Details of the reason for the concern;
- Details or description of the person/s who raised the concern;
- Details or description of the person/s who are believed to be the subject of the concern;
- Details of any bookings which may be related to the concern;
- Any action taken; and
- Details of any referrals made to other agencies, which should include the Police.

Operators must undergo such safeguarding training as deemed necessary by the Council.

Operators shall ensure that every driver is aware of their documented safeguarding procedure to enable compliance with that procedure.

10. Notification of concerns

The Operator shall notify the Council if they become aware of anything that may call into question the ability of the driver or vehicle to undertake licensed work e.g. medical conditions, convictions, vehicle defects etc.

h) North East Derbyshire district boundary.

North East Derbyshire district boundary



Safeguarding: Human trafficking - exploitation of vulnerable persons

i) Safeguarding

Human Trafficking is the crime of moving a person (adult or child) from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability.

Unfortunately vulnerable persons can be "moved" by criminals who chose to have the journeys carried out in licensed vehicles, without the drivers having any reason to believe that such a person is a victim of such a crime.

Taxi and Private Hire Drivers are the eyes and ears of their communities through the work they do and the contacts they have, and if you are able to spot the signs of human trafficking and know how to report this crime, you can be a major force in tackling this terrible activity.

There are three main elements involved with Human Trafficking:

- **Movement:** recruitment, transportation, transfer, harbouring or receipt of people (adults or children).
- **Control:** threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or the giving of payments or benefits to a person in control of the victim.
- **Purpose:** exploitation of a person (adult or child), which includes prostitution and other sexual exploitation, forced labour, slavery or similar practices, street crime, forced marriage and the removal of organs forced to work, beaten, abused and too scared to escape.

How can you spot if someone may be vulnerable and being exploited and Trafficked?

There are various tell-tale signals to look for. One sign on its own does not mean someone has been trafficked, but several signs together should give you cause for concern. Perhaps the person shows signs of the following:

- Does not know their home or work address.
- Allows others to speak for them when addressed directly.
- Live or travel in a group, sometimes with other persons who do not speak the same language.
- They are collected very early and/or returned late at night on a regular basis.
- May have inappropriate clothing for the work they are performing, and/or a lack of safety equipment.
- Their physical appearance may show signs of injury, malnourishment, and unkemptness.
- They may be isolated from the local community and/or appear to be under the control or influence of others.
- Have no cash of their own.
- Be known to work at a brothel and be frequently moved from one site to another.

How to report your concerns?

If you suspect that a person (adult or child) is vulnerable and may be the victim of abuse, exploitation and/or trafficking, you can report your concerns in confidence by telephoning:

- Police: 101 (or if an emergency 999).
- Crimestoppers: 0800 555 111.

Why do I need to know about safeguarding?

Everyone is becoming aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited. We need the help of taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need our help.

This page and our website are devoted to helping you as a license holder or applicant to be aware of those who may be vulnerable or being exploited, and questions relating to this subject are posed within the Local Knowledge & Safeguarding Test that all new applicants must undertake as part of the criteria for the grant of a licence.

However, there is always more that can be done by everyone to help promote a better understanding of this subject, and we hope that this page and our website will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

j) Transporting disabled passengers.

Transporting disabled passengers

Customer Care starts from the moment that the customer hires the vehicle. There should be good customer relations between the driver and the customer. Talking to the customer to check what they require will make it quick and easy to give them a better service. Many disabled people have at some time experienced well intentioned but clumsy assistance that has caused them discomfort and pain. The way a driver gives the best possible service to each customer will vary for each customer and the type of disability that they have. Always ask what help (if any) a customer may need. Make sure you are familiar with any access and safety equipment in your vehicle. Ask the customer if they are all right before you start the journey.

If the passenger is in a wheelchair you should always:-

- Pull up as close as possible to the kerb;
- Always use the ramps;
- If necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacturer. In the case of a London type cab this position will be facing the rear of the vehicle. The wrong travelling position is unsafe;
- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving a passenger;
- Always secure the wheelchair and ask if the passenger needs help to fasten the seat belt provided;
- If it has been raised, lower the back seat if the passenger would prefer it;
- Avoid sudden braking or acceleration;

- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once they have been unloaded;
- Leave the passenger in a safe and convenient place, which enables them to move away independently.

When taking a person in a wheelchair up a kerb you should place your foot on one of the tipping levers (which project from the back of the wheelchair at ankle height) and pull the wheelchair onto its back wheels. Pull the wheelchair onto its back wheels so that its front wheels are level with the kerb and follow with the back.

When taking a person in a wheelchair down a kerb, again place your foot on the tipping lever and pull the wheelchair onto its back wheels. Gently lower the wheelchair down the kerb so that both of the rear wheels touch the ground at the same time, then lower the front wheels.

This method should only be used for kerbs and single steps; where there is a flight of steps; two people are needed for safety.

There are a number of wheelchair designs that are either too large for the ramps and to designs that are either too large for the ramps and to fit through the doorway or are unable to be manoeuvred when inside the vehicle. There are also some passengers whose size and build, or nature of disability (i.e. those passengers requiring extended leg rests) that precludes them from safely using a Hackney Carriage vehicle.

However you cannot refuse to take a passenger in a wheelchair if your vehicle can safely take it.

It is against the law and the conditions attached to a driver's licence to refuse a wheelchair passenger. It could lead to prosecution and your Hackney Carriage Driver's licence being revoked.

How to ensure the safety of wheelchair users

Both the restraint system for the wheelchair and the safety belt for the passenger must be used on every occasion. Failure to do so may render you liable in the event of an accident and could affect your insurance cover.

- In the interest of the comfort and safety of both the passenger and yourself, the ramps must be used to board a passenger using a wheelchair.
- Passengers using wheelchairs must never travel facing sideways or forward. It is not possible to secure the wheelchair or adequately protect the passenger in either position. They should always travel in the recess of the passenger bulkhead, facing towards the rear of the vehicle.
- The wheelchair restraint mechanism must always be attached to the rearmost main upright tubes on opposite sides of the wheelchair frame in a position that does not allow it to fall off or slide down. The restraint must never be attached to wheels, spokes or footplates.
- The brakes on the wheelchair must always be applied during the journey. You should remember that the brakes alone are not sufficient for wheelchair restraint. They do however give a little lateral stability during the journey, which provides reassurance for passengers.
- The wheelchair restraint mechanism isolating switch must always be in the "off" position before the journey begins. If it is left in the "on" position the wheelchair is still unrestrained.
- It is important to remember that the wheelchair restraint mechanism offers no security to the passenger. It is a legal requirement for passengers to wear seatbelts provided unless they hold a medical exemption certificate.
- Wheelchairs must always be taken out of the vehicle backwards.

Equality Act 2010

How does this affect Hackney carriage and private hire vehicle drivers?

There are some changes in the law which came into effect in October 2010 which might affect you. The Equality Act 2010 includes provisions relating specifically to Hackney Carriages and Private Hire vehicles and disability. The Government brought into force several provisions of the Act in October 2010 and other provisions will come into force at a time yet to be determined.

The information below provides details of the provisions that are currently in place in relation to Hackney Carriages and Private Hire vehicles, and what the implications are for Hackney Carriage and Private Hire vehicle drivers; and details of the further measures that are due to be implemented at a future date yet to be determined. In effect 2 duties are placed on drivers:

- 1 To assist passengers in wheelchairs (if you drive a wheelchair accessible vehicle); and
- 2 To carry guide dogs / assistance dogs.

Duties on drivers to assist passengers in wheelchairs

The Equality Act places duties on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles to provide physical assistance to passengers in wheelchairs.

The duties apply to the driver of any wheelchair accessible Hackney Carriages and Private Hire vehicles which are on the licensing authority's list of "designated vehicles". North East Derbyshire District Council will be maintaining a list of designated vehicles and therefore the following duties will apply to you.

The duties being placed on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles are (under Section 165 of The Equalities Act 2010):

- To carry the passenger while in a wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such "mobility assistance" as is reasonably required.

What does mobility assistance mean?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger's luggage into and out of the vehicle.

Lists of wheelchair accessible vehicles

Section 167 of the Act allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165.

Guide dogs / Assistance dogs

Duties are also placed on Hackney Carriages and Private Hire drivers and on Private Hire Vehicle operators to carry guide dogs and other assistance dogs will transfer from the Disability Discrimination Act 1995 to the Equality Act 2010. Any person who is currently exempt from the duty to carry an assistance dog on medical grounds will continue to be exempt. That is because we have made a change in the law so that all existing exemption certificates and all existing exemption notices remain in force as though they had been made under the Equality Act 2010.

What if I have a medical condition which prevents me from carrying out either or both of these duties?

The new Act allows for exemptions from the duties on medical grounds or if the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with these duties. It is the responsibility of drivers who require an exemption to apply for one from their licensing authority.

Who decides if a driver is exempt?

The local licensing authority decides if a driver should be exempt from the duties.

What if the licensing authority says that I am ok to carry out the duties and I disagree?

The legislation allows a driver to appeal to the magistrates' court within 28 days if the licensing authority decides not to issue an exemption certificate.

How will passengers know that I am exempt from the duties to assist passengers?

The licensing authority will issue you with a special Exemption Notice which exempted

drivers must display on their vehicles in order that passengers will know that the driver is exempt from one of more duties.

I have an exemption certificate (mobility assistance) and / or special notice (carrying on guide dogs) which says that it was issued under the Disability Discrimination Act 1995 - Do I have to get a new one?

No, you do not have to get a new certificate; the certificate which you have been granted remains valid until its expiry date.

I do not have any exemption from providing mobility assistance and / or carrying guide dogs or assistance dogs at present, how do I apply for an exemption from having to fulfil these duties?

You will need to contact the Licensing Team by telephoning 01246 231111 or by emailing licensing@ne-derbyshire.gov.uk to inform an Officer of your request, and for the necessary application form to be sent to you. When submitting your completed form, you will be required to provide evidence from your Medical Practitioner supporting your application and substantiating the medical reasons applicable to your request.

Your application will be determined by the Licensing Section, and if successful you will be issued with the relevant Exemption Notice to display within the vehicle. The request may also be referred to Licensing Committee for consideration.

Appendix B - DBS checklist

Documents required when applying for Disclosure & Barring Service Check

At the time of making your application you must be able to provide documents to confirm your identity.

You must produce 1 document from Group 1 and 2 further documents from either Group 1, Group 2a or 2b; one of which should be no more than 3 months old and verify your current address details

If you cannot produce a Group 1 document then you must produce 3 documents from Group 2a or 2b; one of which should be no more than 3 months old and verify your current address details.

List of approved identity documents

Group 1: Primary Identity Documents

- Passport – Any current and valid passport.
- Biometric Residence Permit (UK).
- Birth certificate (issued within 12 months of birth) - UK, Isle of Man and Channel Islands including those issued by UK authorities overseas, for example embassies, High Commissions and HM Forces.
- Current driving licence photocard (full or provisional) - UK, Isle of Man, Channel Islands and EEA. From 8 June 2015, the paper counterpart to the photocard driving licence will not be valid and will no longer be issued by DVLA.
- Adoption certificate - UK and Channel Islands.

Group 2a: Trusted government documents

- Current driving licence photocard (full or provisional) - All countries outside the EEA (excluding Isle of Man and Channel Islands).
- Current driving licence (full or provisional) - paper version (if issued before 1998) - UK, Isle of Man, Channel Islands and EEA.
- Birth certificate (issued after time of birth) - UK, Isle of Man and Channel Islands.
- Marriage/civil partnership certificate - UK and Channel Islands.
- Immigration document, visa or work permit - Issued by a country outside the EEA. Valid only for roles whereby the applicant is living and working outside of the UK. Visa/permit must relate to the non EEA country in which the role is based.
- HM Forces ID Card (UK).
- Firearms Licence - UK, Channel Islands and Isle of Man.

PLEASE NOTE

You must be able to provide your address details to cover past 5 years. You do not need to bring in written evidence of any previous addresses but the DBS application form requires you to give the month and year you moved in and left these addresses.

The DBS Application Form also asks if you have a National Insurance Number and Passport and if so you must give the number, please make a note of these even if you are not bringing in your Passport or National Insurance Card as one of your chosen documents.

Group 2b - Financial and social history documents

Document	Issue date and validity
Mortgage statement - UK or EEA.	Issued in last 12 months.
Bank or building society statement - UK and Channel Islands or EEA.	Issued in last 3 months.
Bank or building society statement - Countries outside the EEA branch must be in the country where the applicant lives and works.	Issued in last 3 months
Bank or building society account opening confirmation letter – UK.	Issued in last 3 months.
Credit card statement - UK or EEA.	Issued in last 3 months.
Financial statement, for example pension or endowment - UK.	Issued in last 12 months
P45 or P60 statement - UK and Channel Islands.	Issued in last 12 months
Council Tax statement - UK and Channel Islands.	Issued in last 12 months
Letter of sponsorship from future employment provider - Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application.	Must still be valid
Utility bill - UK - not mobile telephone bill.	Issued in last 3 months
Benefit statement, for example Child Benefit, Pension - UK.	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, for example from the Department for Work and Pensions, the Employment Service, HMRC - UK and Channel Islands.	Issued in last 3 months
EEA National ID card.	Must still be valid
Irish Passport Card - Cannot be used with an Irish passport.	Must still be valid
Cards carrying the PASS accreditation logo - UK, Isle of Man and Channel Islands.	Must still be valid
Letter from head teacher or college principal - UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided.	Must still be valid

Appendix C - The right to work in the UK checklist

We are now required to ensure that all applicants for hackney carriage and private hire driver licences have a right to work in the UK.

Set out below are the acceptable documents which may be produced to confirm your right to obtain a licence in the UK.

List A - No immigration restrictions on the right to a licence in the UK

A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.

A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.

A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B - Immigration restrictions on the right to a licence in the UK

Please note: If you have a limited right to work in the UK the Licensing Team can only issue a licence up to the expiry date of the permission to work in the UK. Any licence issued will lapse when the holder's permission to be in the UK comes to an end. In these circumstances you MUST return your licence to the Council within seven days.)

A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.

A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.

A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.

A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certificate of Application.

A Verification issued by the Home Office Evidence and Enquiry Unit, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

List C - Unacceptable Documents

The following documents are NOT acceptable for proving a person has the right to work in the UK:

A Home Office Standard Acknowledgement Letter or Immigration Service Letter (IS96W) which states that an asylum seeker can work in the UK.

A National Insurance number on its own in any format.

A driving licence issued by the Driver and Vehicle Licensing Agency.

A bill issued by a financial institution or a utility company.

A passport describing the holder as a British Dependent Territories Citizen which states that the holder has a connection with Gibraltar.

A short (abbreviated) birth certificate issued in the UK which does not have details of at least one of the holder's parents.

A licence provided by the Security Industry Authority.

A document check by the Criminal Records Bureau.

A card or certificate issued by the Inland Revenue under the Construction Industry Scheme.

Appendix D - Enforcement policy and practice

1. Statement of Policy

1.1. Background

North East Derbyshire District Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of North East Derbyshire.

NB. Any reference in this Policy to notifying, informing or otherwise contacting the Council means contacting the Council's Licensing Section.

Unless otherwise stated, where the term "Taxi" is used in this Policy it is a generic term including hackney carriages and private hire vehicles (which retain their specific meanings set out in the Glossary of Terms below).

1.2. Role of Hackney carriage and private hire vehicles

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.3. Best practice guidance

The Department for Transport's Guidance considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.

1.4. Consultation

There are a number of groups and organisations that have an interest in the provision of hackney carriage and private hire vehicle services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this policy, the Council has consulted with the following -

This list is not definitive -

- Authorities who border North East Derbyshire District Council.
- Derbyshire County Council.
- Other departments within North East Derbyshire District Council.
- Members of North East Derbyshire District Council.
- The hackney carriage and private hire trade including all licensed operators within the district.

- Parish Councils.
- Derbyshire Constabulary.
- Derbyshire Police & Crime Commissioner.
- Chief Fire Officer for Derbyshire.
- MPs and MEPs for the District.
- Derbyshire County Council Trading Standards.
- Derbyshire County Council Transport.
- Child Protection Services (Safeguarding).
- DVSA (Driver & Vehicle Standards Agency).

1.5. Powers and duties

This Policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and other legislation under which the Council is the licensing authority for hackney carriage and private hire vehicles.

1.6. Status

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

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

2. Scope

In setting out its policy North East Derbyshire District Council seeks to promote the following objectives -

- The protection of public health and safety;

- The establishment of a professional and respected hackney carriage and private hire trade;
- Access to an efficient and effective public transport service; and
- The protection of the environment.

The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.

3. Principles

The aim of licensing the hackney carriage and private hire vehicle trades is, primarily, to protect the public as well as to ensure that the public have reasonable access to hackney carriage and private hire services because of the local transport provision.

It is important that the Council's powers are used to ensure that the conduct of licence holders is monitored and, where their conduct falls short of what is expected, appropriate action is taken in a fair and proportionate manner to protect the public.

4. Statement of Policy

4.1 Disciplinary and Enforcement measures

The Council has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to high standards. The Council will endeavour to do this in a consistent and transparent manner. These standards are defined by legislation, licence conditions, codes of practice or adopted by the Council. Together they identify what is required of the trade and help to ensure that a consistent approach is taken by the Council, Officers and Members in their application.

It is the policy of the Council to ensure that drivers, operators and vehicle proprietors are licensed correctly and carry out their trade in accordance with the relevant legislation and the conditions attached to the licences.

All enforcement action will be proportionate to the seriousness of the breach and the possible consequences arising out of it.

Specific advice on the issue of licences and enforcement actions is contained elsewhere in this Policy which sets out the general principles to be followed in taking enforcement decisions.

Authorised officers and Members must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.

4.1.1 Enforcement

To encourage responsible hackney carriage/private hire businesses, the Council will operate a firm but fair disciplinary and enforcement regime. 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.

The Council will liaise with other bodies in carrying out its enforcement procedures, including officers of other Local Authorities and Police bodies. Achieving and maintaining a consistency of approach to making all enforcement decisions is vital. Enforcement will be carried out in accordance with this policy and the Enforcement Policy of the Joint Environmental Health Service.

Any departure from policy will be fully considered and endorsed by an officer acting under delegated powers (unless it is considered that there is significant risk to the public in delaying the decision).

4.1.2 Disciplinary hearings

Disciplinary matters which are considered serious enough to warrant the potential revocation or suspension of a licence will be referred to the Council's Licensing Committee. The Committee will consider the fitness of an individual to hold a licence, and take the action appropriate to the circumstances.

However, where it is deemed necessary for swift action to be taken for public safety, officers acting under delegated powers may suspend licences using delegated powers. In some cases this can be with immediate effect.

Any revocation will be notified to the National Register of Taxi Licence Revocations and Refusals.

4.1.3 Range of powers

The Council may take any of the steps below where an offence or breach of the conditions has been committed:

- Suspend the licence;
- Revoke the licence;
- Refuse to renew a licence;
- Impose additional licence conditions;
- Require the production of driving licences or other specified documentation to the Licensing Team;
- Require the licence holder to retake one, some or all of the required tests
- Present a vehicle for testing;
- Issue a formal warning;
- Recommend prosecution action; or
- Take no further action.

This list is not exhaustive.

4.1.4 Enforcement options

Licence application and enforcement decision must always be consistent, balanced, fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision the following must be considered:

- Seriousness of any offences;
- Driver or operator's past history;
- Consequence of non-compliance;
- Likely effectiveness of the various enforcement options;
- Blatant disregard of law or Council instruction
- The promotion of public safety; and
- Any other relevant factors.

4.1.5 Informal Action

Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.

Informal enforcement action may be appropriate where:

- The act or omission is not serious enough to warrant more formal action;
- It can be reasonably expected that informal action will achieve compliance; or
- Confidence in the operator's management is high;

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more appropriate than a formal approach.

4.1.6 Appearance before the licensing committee

An individual or company may be invited before the Licensing Committee

to answer allegations of breaches of relevant legislation or conditions attached to licences.

The Committee may decide to take one or more of the following measures:

- No action;
- A written warning;
- Require the licence holder to retake one, some or all of the required tests
- Present the vehicle for testing;
- Require the production of driving licences or other specified documentation to the Licensing Team;
- Propose further conditions on the licence
- Suspend a licence;
- Revoke a licence;
- Recommend prosecution action.

This list is not exhaustive.

4.1.7 Suspension Notices

An authorised officer may serve notice in writing for a hackney carriage or private hire vehicle (or the faresmeter affixed to such vehicle), requiring the licensee to comply with any requirements contained in the notice. This notice must only be served having had due regard to the condition of the vehicle, any reasonable grounds to suspect the accuracy of the faresmeter, or any other reasonable cause.

An authorised officer may inspect a vehicle and, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he/she is satisfied with the condition of the hackney carriage or private hire vehicle. This action will only be taken when he/she has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passenger and/or other road users.

4.1.8 Appeals

Appeals against decisions of the Licensing Committee or an authorised officer may be made to the Magistrates' Court, with the exception of decisions made regarding hackney carriage vehicle licences which are made to the Crown Court.

Any notifications of enforcement actions will include written information on how to appeal. This will explain how, where and within what period an appeal may be brought and on what grounds and may confirm that the enforcement action is suspended pending the outcome of the appeal.

4.1.9 Prosecution

The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and/or the public is put at serious risk. It is important that the decisions to prosecute are made using consistent reasons.

Each case will be considered on its merits, but the circumstances which are likely to warrant prosecution may be characterised by one or more of the following:

- Where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
- When there appears to have been reckless disregard for the safety of passengers, other road users or pedestrians;
- Where there have been repeated breaches of legal requirements;

- Where a particular type of offence is prevalent;
- Where a particular contravention has caused serious public alarm.

When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.

Before referring a matter for prosecution, the Solicitor to the Council must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by identifiable person(s) or company. There must be a realistic prospect of conviction; a bare prima facie case is not enough.

In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, there must be a positive decision, based on the relevant criteria that it is in the public interest to prosecute.

The Code for Crown Prosecutors, issued by the Crown Prosecution Service, provides guidance which will be considered when assessing both evidence and the public interest.

When a decision is being taken on whether to prosecute, the factors to be considered may include -

- The seriousness of the alleged offence;
- The risk of harm to the public;
- Identifiable victims;
- Failure to comply with a statutory notice served for a significant breach of legislation;
- Disregard of safety for financial reward;
- Dishonesty;

- The previous history of the party(ies) concerned;
- Offences following a history of similar offences;
- Failure to respond positively to past warnings or Council instructions;
- The ability of any important witnesses and their willingness to co-operate;
- The willingness of the party to prevent a recurrence of the problem;
- The probable public benefit of a prosecution and the importance of the case eg whether it might establish a legal precedent. (As indicated above, advice on the public interest is contained in the Code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the less likelihood there will be that the public interest will allow anything other than a prosecution);
- Whether other action, such as issuing a caution in accordance with the Home Office Circular 16/2008 would be more appropriate or effective. See Section 8 of this appendix for advice in respect of simple cautions.

Once a decision that prosecution is the most appropriate course of action has been taken, the matter will be referred, without delay, to the Solicitor to the Council.

4.1.10 Simple Cautions

A simple caution (previously known as a formal caution) may be used as an alternative to a prosecution in certain circumstances.

Simple cautions are a non-statutory disposal and the Council may exercise discretion in deciding to use them. Decisions to issue a caution will depend whether it is appropriate to the offence

and the offender and whether it is likely to be effective in the circumstances.

When considering the issuing of a caution officers will have regard to any statutory or Government guidance.

The following conditions should be fulfilled before a caution is administered:

- There must be sufficient evidence of the suspected offender's guilt to give a realistic prospect of conviction if a prosecution was brought.
- The suspected offender must have made a clear and reliable admission of the offence.
- It must be in the public interest to use a simple caution as the appropriate means of disposal. .

Where a person declines the offer of a caution, it will be necessary to consider taking alternative enforcement action.

A caution may be used as evidence in future prosecutions.

4.1.11 Transparency

Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

Any written documentation issued or sent will -

- Contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
- Indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen; and

- Clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

5. Responsibility for Implementation

This Policy will be implemented by, and at the discretion of, the authorised officers acting under delegated powers.

This and other policies set out the principles that govern the Council's licensing of hackney carriage and private hire vehicle drivers, operators and vehicles. Minor modifications to conditions, specifications or procedures may from time to time be modified by officers acting under delegated powers, except where not appropriate to do so.

Appendix E - Certificate of good conduct

This may not apply to you. Read below to decide.

The fact that you hold British Citizenship does not preclude you from the requirement for the Certificate of Good Conduct.

In order to assess the 'fit and proper' aspect of a driver application the Council will take regards of an applicants' antecedents.

Criminal convictions are recorded for U.K residents on the Criminal Records Bureau database in respect of convictions, cautions and reprimands in for offences committed in the United Kingdom only.

Applicants who were born outside or have worked outside the United Kingdom may have a criminal history recorded in their country of origin or where they worked which is not recorded in the United Kingdom.

For applicants who fit into the above paragraph the Authority requires a Certificate of Good Conduct. This Certificate is obtainable from the Embassy of the relevant Country where the applicant was born or worked.

Exemptions

The only exception to this requirement is where the applicant has lived in an area where there is ongoing conflict.

As an example – At the time of preparing this document The Syrian Embassy in the UK was closed and therefore in respect of applicants who were born or have worked in Syria an alternative arrangement is in place as follows:-

These applicants are required to obtain a Statutory Declaration from a Solicitor who is also a Commissioner of Oaths and submit this with your application.

If you believe this exemption may apply to you then you should speak to the Licensing Section in the first instance.

If you were born in the United Kingdom and have not worked outside it then the Certificate of Good Conduct / Statutory Declaration does not apply to you.

Do not apply for a Private Hire Vehicle/ Hackney Carriage Drivers Licence until you have obtained the above.

Appendix F - Relevance of Convictions

1. General Policy

1.1 Principles

This Appendix will act as guidance for the Council when considering the fitness and propriety of license-holders and applicants. In exercising this duty, the Council will consider the safety of the public as its primary consideration.

This policy provides guidance to the Licensing Sub-Committee and Officers with delegated powers on the criteria to take into account 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 drivers Licence. Any decision will be made on the balance of probabilities and not beyond all reasonable doubt.

Each application will be determined on its own merits. Some discretion to depart from these guidelines may be appropriate if the offence is isolated and there are mitigating circumstances. However the overriding consideration should be the protection of the public.

NB As a matter of law, where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction.

1.2 Fit & proper

In seeking to safeguard the public, the Council seeks to ensure:

- That a person is a fit and proper person in accordance with Sections

51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II);

- That the person does not pose a threat to the public;
- That the public are safeguarded from dishonest persons; and
- The safety of children, young persons and vulnerable adults.

The term “Fit and Proper Person” for the purposes of licensing is not legally defined and in assessing whether someone may be “Fit and Proper” the Council will seek to establish that applicants are considered safe and suitable to hold a licence. The Council will take into account all available information, including information obtained from other local authorities, the Police and any third party organisations.

1.3 Considering criminal records

Listed below are some general principles relating to the determination of applications for drivers and operators which will generally be followed where convictions are admitted or otherwise identified.

In this guidance the word “conviction” is includes convictions, cautions, warnings, reprimands, fixed penalty notices and other relevant information, including any enforcement action taken by other local authorities or the Traffic Commissioner. For custodial sentences the term “from date sentence has ended” is taken to be the date which is reached once the whole of the period as sentenced by the court

has elapsed and not necessarily the length of time served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. For non-custodial offences the relevant date will be the date of sentencing.

Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- Remain free of conviction for an appropriate period as detailed below; and
- Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).

NB Solely remaining free of conviction may not necessarily be adequate evidence that a person is a fit and proper person to hold a licence.

1.4 Outstanding charges or summonses

If an outstanding charge or summons involves a serious offence and/or 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 normally be put on hold until proceedings are concluded or the licence may be refused. Such cases will always be referred to the Licensing Sub-Committee with a view to refusal/revocation.

1.5 Non-conviction information

If an applicant has on 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 if the evidence supports this. In assessing the action to take, the safety of the public must be the paramount concern.

Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by any local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation. The applicant's previous licensing authority may be contacted for details of why the licence was revoked. Enquiries will be made of the National Register of Taxi Licence Revocations and Refusals.

2. Offences

The following guidance applies to new applicants and those cases where a licence holder is convicted during the period of their current licence.

All categories below are non-exhaustive, and include any similar offences (including attempted or conspiracy to commit) and any offences which replace those specified.

2.1 Serious offences against the person

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

An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

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
- Kidnapping or abduction

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 10 years have passed since the completion of any sentence and /or licence period:

- 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 which is racially aggravated
- Violent disorder
- Threats to kill
- Resisting arrest
- Hate crime against a person
- Modern slavery

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 unless at least 5 years have passed since the completion of any sentence and/or licence period:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Hate crime against property

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 unless

at least 3 years have passed since the completion of any sentence and/or licence period:

- Common assault/Battery
- 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
- Harassment
- Offences involving anti-social behaviour

A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

NB All violent offences will be treated in accordance with the above guidance and will not be considered any differently because they occur in the context of domestic violence or abuse.

2.2 Possession of a weapon

If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least 3 years must have passed since the completion of the sentence, before a licence is granted.

2.3 Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will be refused a licence upon application/renewal or review. Existing licence holders will have their licence immediately revoked.

Such offences include:

- Rape.
- Assault by penetration.
- Offences involving children or vulnerable adults.
- Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children).
- Making or distributing obscene material.
- Possession of images depicting child sexual abuse.
- Sexual assault.
- Indecent assault.
- Exploitation of prostitution.

In relation to indecency offences, an applicant should be free of conviction for at least 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction for an offence such as:

- Making indecent telephone calls.
- Importuning.
- Indecent exposure.
- Soliciting (kerb crawling).
- Any offence occurring in the context of domestic violence.

A licence will not be granted if an applicant has more than one conviction for an indecency offence.

In addition to the above the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

2.4 Dishonesty

A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

In general, a minimum period of 3 years free of conviction or at least 3 years have passed since the 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.

A licence will not normally be granted if an applicant has more than one conviction for dishonesty.

Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not normally be issued with a licence.

2.5 Alcohol & drugs

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.

In addition, the applicant will normally be required to show a period of 10 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

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 will not normally be granted where the applicant has more than one conviction for offences related to the supply of drugs and has not been free of conviction for 10 years.

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.

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.

If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may

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.

2.6 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 will not normally be granted if the applicant has a conviction for:

- 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.

Before a licence is granted, an applicant should be free of conviction for 10 years (or at least 10 years must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:

- Causing death by careless driving.

A licence will not be granted if an applicant has more than one conviction for any of these offences.

2.7 Driving offences involving alcohol and/or drugs

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink-driving offence, at least five years free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

More than one conviction for this type of offence or one such offence within the last five years is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least five years has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

2.8 Major traffic offences

A non-exhaustive list of traffic offences can be found in Appendix D.

Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.

In cases of disqualification at least 3 years free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.

Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than two years prior to the application.

Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.

Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified

from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.

2.9 Minor traffic offences

A non-exhaustive list of traffic offences can be found in Appendix D.

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. If there are several minor traffic offences the applicant will normally be expected to show a period free of conviction of at least six months.

An applicant with 6-12 penalty points on their licence will merit further consideration and may be refused depending on the circumstances of the case. A licence will normally be refused where the applicant has 12 or more penalty points on his DVLA licence for minor traffic offences but has not been disqualified from driving.

Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.

Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.

Where an existing licence holder is disqualified from driving the licence will normally be revoked by officers acting under delegated powers.

2.10 Totting up disqualifications

Where a number of traffic offences has resulted in a driver receiving 12 penalty points or more on his/her licence the driver will be disqualified from driving

unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a “totting-up” disqualification.

Where an applicant has a totting-up disqualification an application will usually be refused until a period of between 12 months and two years has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.

Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

Where other, more serious, offences lead to disqualification an applicant will usually be refused until a period of at least two years has passed since their DVLA licence was restored.

2.12 Borderline traffic offences

Certain offences may not be clearly categorised as Major or Minor. Such offences will be treated as major traffic offences if the court awarded four or more penalty points for the offence and as minor traffic offences if the court awarded three or less penalty points for the offence.

A non-exhaustive list of hybrid traffic offences can be found in Appendix D.

2.13 Plying for hire

Any applicant who has committed an offence of plying for hire within the 6 months preceding their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence will be revoked or not granted. Consideration will be taken of whether

at the time there was no insurance cover in place for the vehicle. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

2.14 Insurance offences

A serious view will be taken of convictions of driving 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 three years. However, strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be prevented on its merits.

At least three years should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a Hackney Carriage or Private Hire driver’s licence.

3. Other offences and special circumstances

If the applicant has declared any other offences not listed above or the circumstances of the case justify, an officer acting under delegated powers will, if he/she considers it appropriate, refer the application to the Licensing Sub-Committee for determination.

Appendix G - Current licence fees

Please Note – The licence fees below will come into effect from the 1 January 2019 and may be subject to change in the future in accordance with statutory processes:

Private Hire Operator Licence				
1 Year	2 Year	3 Year	4 Year	5 Year
£234	£337	£438	£541	£644
NOTE: In accordance with statute The Council will normal issue 5 year private hire operator licences and will only issue 1 to 4 year licences in exceptional circumstances.				
Combined Hackney Carriage & Private Hire Vehicle Driver Licence (or single licence)				
1 Year	2 Year		3 Year	
£150	£165		£180	
NOTE: In accordance with statute The Council will normal issue 3 year driver licences and will only issue 1 or 2 year licences in exceptional circumstances.				
Hackney Carriage & Private Hire Vehicle Licences				
Six month licence	£92			
Vehicle Test (inc. MOT where requested)	£75			
Re-test fees	£10 for the first item £5 for each addition item up to a maximum fee of £25 £35 full retest			
Missed test appointment	£20 (if less than 24 hours notice)			
Miscellaneous Costs				
Disclosure and Barring Service check	Current cost of the DBS application at the time of application (currently £44) Plus an administration fee of £22			
Driver Theory test	£30			
Replacement lost licence plate/badge*	£15			
Replacement paper licence*	£8			
*Costs recovered as discretionary fee via Local Government Act 2003				

Notes

Notes



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