



**Melton
Borough
Council**

**Hackney Carriage and Private Hire
Licensing Policy**

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1.0 Introduction

Melton Borough Council (The Council) is responsible for the regulation and administration of the Hackney Carriage and Private Hire trades licensed by the Council.

The Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel safely around the Borough, whilst playing a visible role in portraying a positive image of Melton.

Whilst customers expect safety, when using Melton licensed vehicles, it is also beneficial to ensure that customer experiences are positive as this will help the industry and the local economy thrive.

This Policy is concerned with the application of powers exercised by The Council , in respect of hackney carriages and private hire vehicles, conferred principally by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, adopted by this council on 2nd September 1987 as amended and other relevant legislation.

In developing this policy we have also taken into consideration;

- The Regulation of taxis and private hire vehicles: understanding the impact on competition April 2017
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- DBS Filtering Guide Nov 2020 Regulators' Code 2014
- The Department for Transport " Statutory Taxi & Private Hire Vehicle Standards: Best Practice Guidance" –July 2020
- Immigration Act 2016
- The Institute of Licensing's Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018
- Working together to Safeguard Children - July 2018
- Policing & Crime Act 2017
- Crime and Disorder act 1998
- Environmental Protection Act 1990
- Equalities Act 2010
- Road Traffic Acts
- Human Rights Act 1998
- Melton Borough Council Byelaws 2013

This Policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions; the Council will have regard to this Policy document. However, each application or enforcement action will be considered on its own merits.

1.1 Aims and Objectives of the Policy

The principle purpose of hackney carriage and private hire licensing is to protect the public and promote public safety.

In setting out its Policy, the Council seeks to promote the following objectives;

- Protection and safety of the public, safeguarding children and the vulnerable
- The health and safety of the drivers
- Protection of the environment
- Access to an efficient and effective transport service
- Provide and maintain a professional and respected hackney carriage and private hire trade, by continued monitoring and improvement of the required standards of service

When considering each of the requirements detailed in this document, the Council has tried to ensure that each requirement is proportionate to the risk it seeks to address, balancing the cost of the requirement against the benefit to the public. The principle is that the costs of implementation should be commensurate with the benefits of the policy.

1.2 Best Practice Guidance

In formulating this Policy, advice contained in the “Statutory Taxi & Private Hire Vehicle Standards: Best Practice Guidance” - July 2020” issued by the Department for Transport has been taken into account.

1.3 Implementation

This Policy will take effect from **01/08/2021** and will be reviewed every five years. Interim reviews will be considered in the event issues arise need addressing when reviewing performance annually.

1.4 Licensing Profile

At the time of writing there are 55 Combined Drivers licences, 38 hackney carriage vehicle licences, 16 Private Hire vehicle licences and 8 Private Hire operators licences.

The Council issues Combined licences in respect of both hackney carriages and Private Hire drivers. This provides one licence and therefore allows drivers the flexibility to drive either vehicle.

1.5 Departure from the Policy

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

Each application or enforcement measure will be considered on its own merits and where appropriate in accordance with the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5 .

1.6 Consideration of Applications

The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are completed and submitted. For drivers and Operators the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5 will be applied as part of the application process.

All applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested and or relevant. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

1.7 Enforcement Measures

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade.

In pursuing its objective to encourage responsible hackney carriage and private

hire businesses, the Council will take action in accordance with the Councils Enforcement, Convictions Scheme and Penalty Points Policy.

In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holders ability to fulfil the 'fit and proper' test the Enforcement, Convictions Scheme and Penalty Points Policy as described in Section 5 will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.

1.8 Delegated Powers

All Officers of the Council, duly authorised under the Council's Scheme of Delegation, are responsible for the day to day operation of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the Policy.

The Council have authorised officers from other Leicestershire authorities so that compliance and enforcement action can be taken against licence holders from outside their area, where the need arises.

1.9 Fees

The Regulatory Services Manager has delegated power to undertake the periodic review of fees and charges raised within their service area and falling within the scope of the Council's Constitution, but if on consultation, there are objections, can refer these matters to the Licensing Committee to make a final decision.

The fees are reviewed at the start of each calendar year and if necessary, approved by the Licensing Committee, ahead of the start of each financial year i.e. 1st April. The Licensing Committee can review the fees at any time.

The Council would follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976 in respect of consultation and advertisement of any variation in the fees.

1.10 Equalities

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

- [age](#)
- [disability](#)
- [gender reassignment](#)
- [marriage and civil partnership](#)
- [pregnancy and maternity](#)
- [race](#)
- [religion or belief](#)
- [sex](#)
- [sexual orientation](#)

These are called protected characteristics.

1.11 Change in Policy/Conditions

The Council may add or amend any Licence Condition.

Any applicant or licence holder must, comply with any new or amended condition within 21 days of being given notice of it by the Council or any longer time stated by the Council.

Drivers

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Drivers

2.1 Licences

Drivers of Hackney Carriages should have a copy of the relevant Byelaws and also be aware of the provisions of the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976, all of which contain provisions which, if breached, can result in prosecution, suspension or revocation of the licence.

Drivers of Private Hire Vehicle must be aware of the Local Government (Miscellaneous Provisions) Act 1976 which contains provisions which, if breached, can result in prosecution or the suspension or revocation of the licence.

Information submitted as part of the application process or received during the lifetime of the licence will be shared in accordance with data protection legislation with other Council Departments and external statutory bodies e.g. Police and HM Customs & Excise,

Section 46 of the Town Police Clauses Act 1847, states that no person shall drive a hackney carriage without a licence.

Private hire vehicles are licensed permanently for the duration of the licence meaning only drivers licensed by Melton Borough Council are allowed to drive vehicles licensed by the Council, even though the vehicle may be insured for social, domestic and pleasure use.

2.2 Fit and Proper Person

The Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to drive a hackney carriage or private hire vehicle, and that person must then remain fit and proper for the duration of that licence. The fitness and propriety of a driver will be monitored and assessed throughout the period that the licence is held.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either Officers or Members of the Licensing Committee) as part of any process associated with the

administration or determination of a licence.

Fit & Proper Person Test

Licensed drivers are in a position of trust, and therefore the Council must ensure that drivers remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of The Local Government (Miscellaneous Provisions) Act 1976 (Part II).

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

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

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration (but not limited to) the following factors:

- Criminality.
- Period of holding a driver's licence.
- DVLA licence and any endorsements.
- Right to Licence.
- Medical fitness.
- Standard of driving / driving ability.
- General conduct / standards of behaviour (including online behaviour).
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.
- Immigration Status of the applicant.

In addition the Council will also consider further information sources such as the

Police, Children and Adult Safeguarding Boards, other Licensing Authorities, the National Register of Taxi Licence Refusals and Revocations (NR3) and statutory agencies.

2.3 Age and Experience

Drivers must;

- Have a minimum of one year of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).
- The drivers DVLA/EEA licence must meet the criteria of the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5.
- If using an EEA licence, the length of time it has been held will be taken in account but the driver must change their EEA licence to that of a UK licence within 12 months of their application, to ensure the necessary licence checks can be carried out. The driver must produce their original DVLA UK licence to the Licensing section for a copy to be taken. Failure to provide may result in suspension of their licence or a renewal application being refused.
- The driver must have a **VALID** DVLA photo card driving licence (if appropriate) at all times.
- Provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

2.4 Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of Melton and considers that drivers of licensed vehicles should conform to a minimum standard of dress.

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

- All drivers are requested to dress smartly and maintain a clean and tidy appearance;
- All clothing and footwear should be clean and not damaged;
- No logos or graphics which might offend;
- Appropriate footwear must be worn at all times, for driving and the operation of any ancillary equipment. i.e. Flip flops / insecure sandals are not allowed.

Drivers of executive type private hire vehicles that have been exempted from displaying plates must dress appropriately, i.e. wear a suit, shirt and tie or uniform, be well groomed and maintain a extremely clean and tidy appearance.

2.5 Driver Conduct

Drivers must have regard to any written code of conduct that might be issued by the Council.

Drivers must be professional, polite, show courtesy and be respectful towards all members of the public, including fellow drivers, operators and Council Staff. Discriminatory behaviour will not be tolerated.

Drivers are issued with a licence badge. This badge must be displayed at all times they are working as a licensed driver.

A licence will not be issued until the appropriate fee is paid/received. If payment for a licence does not clear and a licence has been issued, then this will result in suspension of the licence until payment is received. Failure to make a successful payment may be considered poor conduct, which is appropriate to be dealt with separately.

It is an offence to smoke (including e-cigarettes) in a licensed hackney carriage or private hire vehicle –applicable to drivers and passengers. This is the case even when the driver is off duty as the vehicle always remains a licensed vehicle and not a privately owned vehicle.

If drivers are found to be smoking in their vehicles they will be issued with a fixed penalty notice.

No hackney carriage shall be left unattended on a rank.

When arriving at a rank, drivers should place their vehicle at the front of the stand or immediately behind any vehicle already at the stand. Hackney Carriage drivers must respect rank etiquette.

Attention is drawn to points 7 to 11 inclusive of the Council Byelaws with respect to Hackney Carriage Plying for Hire, that are available on the Licensing Pages of the Council Web Site.

Transporting

Drivers must not carry more people in the vehicle than is specified on the Vehicle Licence/plate.

When working, drivers cannot allow any other person or animals, other than those travelling with the hirer, to travel in the vehicle. Where there is more than one hirer (shared taxi/PHV) the hirers must agree to the joint use of the vehicle.

It is the responsibility of the driver of the vehicle to ensure that all passengers are using the seat belts in accordance with the law.

A child is to be counted as a passenger no matter what age.

In relation to the carriage of all passengers, including children, the requirements of all legislation must be complied with.

Exemptions for Licensed Taxis and Private Hire vehicles:

- If a child restraint is not available, children under 3 years must travel in the rear, but may be unrestrained.
- Children 3 years and over, up to 135cm tall must sit in the rear and use an adult seat belt.
- Children aged 12 years or more, or over 135cm tall, may travel the front, but must wear the seat belt.
- The child safety door locks, where fitted, should be used when children are in the vehicle

Passengers must remain seated whilst the vehicle is in motion

Advance Bookings

Drivers must not arrive at pre-arranged pick up points more than 10 minutes late unless something unavoidable has happened to delay or prevent them from reaching the pick-up point. Drivers must contact the hirer or operator to inform them of a late arrival i.e. more than 10 minutes.

Destination

Drivers must take the shortest route to the destination or, after discussing the matter with the passenger, the quickest, available route. Except in cases where a fixed fare has been agreed beforehand outside the Borough only in Hackney Carriage vehicles or in & outside the Borough for Private Hire vehicles.

Lost Property

If any property has been left in the vehicle it must, unless it is claimed by the passenger who lost it, as soon as possible, and in any event within **24 hours**, be reported to the police via the online reporting tool and retained securely for 28 days after which unclaimed items can be disposed of.

Receipts

The driver must provide written receipt to a passenger for the fare paid if requested.

Fares

The driver has to comply with the requirements of this policy in respect of fares for their vehicle, whether it is a hackney carriage or private hire vehicle.

Licence Plates

The driver must ensure that both the internal licence plate and the external plate are clearly displayed, so that they can be easily seen.

Changes of driver details

If you change your name and/or address you must inform the Council in writing on

the appropriate form, and return your licence to the Council within 10 working days of such a change.

Authorised Officers

A licence must be produced at the request of an Authorised Officer or Police Officer. If the driver does not have their licence available when requested it must be produced to the Licensing Section of the Council within 10 working days.

Operation of these conditions

Breaches of these conditions will be subject to the Enforcement, Convictions and Penalty Points Policy at Section 5; however the Council reserves the right to take any appropriate regulatory action in addition to or instead of the penalty Points system.

Convictions

For applicants and existing drivers the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5 will be applied as part of the application process or for incidents occurring within the life of the licence.

An applicant or existing driver must declare any convictions, (including spent convictions, and motoring convictions).

Licence holders are required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

Failure to declare any of this information immediately or within 48 hrs will be relevant to the drivers conduct and could lead to revocation, suspension or refusal.

Licence holders should for any other offence, fixed penalty notice, caution or they are subject to an investigation inform the Licensing section within 10 working days of that incident.

Licence holders must use the online 'Conviction Notification Form' on the authorities website.

Drivers who are disqualified from driving by any court of law must immediately surrender their Licence and Badges to the Council.

If a driver receives notification through the post of an offence, after being caught on camera, then they must inform the Licensing Section within 10 working days of accepting guilt for the offence.

Details can then be recorded on the Driver's record that they have informed the Council and they can provide a DVLA check Code to the Licensing Section (please note this code is only valid for 21 days) for the DVLA licence to be checked. This therefore complies with the Council's Conditions for Private Hire/ Hackney Carriage Drivers.

If a driver contests the allegation in Court, and is subsequently convicted, and their licence endorsed, the 10 working day period to allow for notification would commence on the date of conviction. If they are acquitted, no criminal offence has been committed.

2.6 Application Procedure – New Driver

Before completing the application process for a new driver licence, the applicant is required to complete the following;

- Complete and pass the knowledge test
- Submit on-line application form and pay relevant fee
- Group 2 Standard Medical Assessment
- Disclosure and Barring Service (DBS) Disclosure - Enhanced
- Certificate of Good Conduct (where appropriate)
- Safeguarding Awareness Training
- Disability Awareness Training
- Proof of Right to Work in the UK (in line with Home Office requirements)
- DVLA / DBS Mandate

The full application procedure is set out on the Licensing Pages of the Councils website, http://www.melton.gov.uk/homepage/187/taxi_licensing

A description of each requirement can be found below;

2.7 Driver Knowledge Test

In order to determine fitness to hold a licence, applicants for a driver's licence are required to pass a knowledge test. The purpose of this test is to make sure that all applicants have a satisfactory knowledge of the Borough of Melton and surrounding areas, places of public interest and entertainment, major destinations such as hospitals, supermarkets etc. and the routes to nearby villages. Drivers will also be tested on their knowledge of the Councils licensing conditions, together with customer care, basic numeracy and the ability to read, understand and write English.

New applicants are required to pass the knowledge test prior to submitting an online application form.

Applicants will need to make payment for a test at time of booking to ensure their place. **There is no refund for non-attendance or cancellation with less than 24 hours' notice.**

Should an applicant have a disability and require reasonable adjustments, they are asked to make Licensing aware when booking the test. Where an applicant has requested reasonable adjustments, the adjustment made must be relative to the applicant's disability.

Each applicant has three opportunities to pass the paper. Should you not pass after three attempts you will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to re-take the knowledge test.

Once an applicant passes the knowledge test they will receive a pass certificate, valid for 2 years from the date of the test.

2.8 Practical Driving Test

Melton Borough Council do not require a practical driving test as part of the application process. Any person driving the public will be expected to have the highest standard of driving skills.

If driving skills fall below these high standards, applicants and drivers may be required to take a Driving Skills Test. This will be at the licence holders expense. Details of the current provider(s), recognised as suitable, to the satisfaction of the Licensing section, are listed within Section 6 of this Policy.

2.9 Medical Assessment

The Council recognises that licensed drivers should have more stringent medical

standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. Therefore, an appropriate standard for licensed Hackney Carriage and Private Hire drivers is a Group 2 Standards of Medical Fitness as applied by the DVLA, to the licensing of lorry and bus drivers.

A medical examination is required on the first licence application and then every 3 years from when first licensed and annually after the age of 65. For drivers with Diabetes, or insulin treatment, additional requirements may be needed (see Application Guidance, in section 6 of this policy).

Applicant's and current drivers are to undergo medicals with their own GP. The applicant will be responsible for paying the fee for the examination to the relevant surgery and for ensuring all sections are completed in full by their GP.

The medical certificate can be uploaded to the Councils website. Please ensure you keep your original medical form. Should a medical certificate need to be returned to the GP, due to an error on the form, the applicant will be notified of this and it is their responsibility to ensure a correct medical certificate is resubmitted, within a timely manner to complete the application. Any changes to the Medical Form made by your GP must be signed and dated by the GP. Such certification must be less than three months old.

Holders of a Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licence, where the holder is able to produce proof of a current D4 medical examination less than 3 months old, which has been completed with their own doctor, is acceptable (should they wish to use the same medical examination for their hackney carriage/private hire licence).

Licence holders must provide written notice to the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities. Such notice **MUST** be given in writing (can be via email), as soon as practicable, from the moment that the person becomes aware of the deterioration.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical examination, at the drivers own expense.

No licence shall be issued and a suspension may be required until medical clearance has been established.

2.10 Assistance Dogs

Under the Equality Act 2010, licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles, and allow it to remain under the physical control of the owner without additional charge. It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

The Equality Act 2010 defines an assistance dog as:

1. A dog which has been trained to guide a blind person;
2. A dog which has been trained to assist a deaf person;
3. A dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;
4. A dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (3)) of a prescribed kind.

An assistance dog must be a properly trained dog. Most are instantly recognisable by a harness or jacket. However, be aware that the law does not require the dog to wear a harness or jacket to identify it as an assistance dog.

Some, but not all assistance dog users, will carry an ID book giving information about the assistance dog and the training organisation together with other useful information. Again, this is not a legal requirement.

Drivers, who have a relevant medical condition, may apply to the Council for an exemption from these duties on medical grounds and must provide written evidence from their GP. If an application is successful, they will be issued with an exemption certificate, and a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or charge more for the fare or booking.

2.11 Disclosure & Barring Service (DBS)

A criminal record check of a driver is an essential safety measure in assessing whether or not an applicant is suitable to hold a licence.

An Enhanced Disclosure provided by the DBS, requesting information on barred lists for both children and vulnerable adults is required by all applicants, whether new or renewal. These disclosures include details of live and spent convictions, Police cautions and other relevant information that indicates whether a person poses a risk to public safety.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order") does not apply to applicants for hackney carriage and private hire driver licences. All drivers **MUST** disclose on their application form all convictions, including those that would normally be regarded as spent.

The Council uses an accredited Disclosure Barring Service Registered Body and the applicants can deal with the Disclosure Barring Services through the Council.

All applicants requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate. Any such cost will be non-refundable once the DBS application has been submitted.

Before an application for the grant of a new drivers licence will be considered the applicant must provide a current, original Enhanced DBS Disclosure Certificate, issued specifically for Melton Borough Council.

Subscribers to the DBS update service can use the original certificate along with authority to check via the online service.

Melton Borough Council will accept an original Enhanced DBS Disclosure Certificate obtained through another registered body (for example, Leicester City Council) if it is less than 3 months old and has been processed in relation to the child and adult workforce employment position (as specified on the disclosure). All new applicants must declare on the application form any convictions, cautions, civil immigration penalties or fixed penalty notices they have received. All licence holders shall notify the Council of any warnings, convictions, cautions, civil immigration penalties and fixed penalty notices received during their licence period. Failure to inform the Council of these matters during the licensing period may result in suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced Disclosure Barring Service Disclosure Certificate or the ability to check through the DBS Update Service.

DBS update Service

It is a condition upon the grant of a new licence that all drivers are required to subscribe to the DBS update service.

It is a condition of licence that all existing drivers on renewing their DBS after the introduction of this Policy, are required to subscribe to the DBS update service.

All new and renewing Drivers **MUST** enrol on the DBS update service within 28 days of the date of the issue of their disclosure certificate.

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

DBS – Data Mandate Form and consent

The DBS Mandate will be sent to new drivers once they have received their DBS certificate and with renewal driver packs. This document is to be completed by the applicant, to confirm they have signed up to the DBS Update service.

The DBS Mandate gives consent to the Council to check the applicant's driving licence record for three years

2.12 Certificate of Good Character (residency outside the UK)

Because of the potential lifetime relevance for some of the most serious offences mentioned in this Policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. This is in addition to the Enhanced DBS requirement.

Any driver who has lived abroad for a period of 3 months or more will be required to provide a Certificate of Good Character from the embassy of every country where they have lived other than the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The Certificate of Good Character must be translated into English at the applicants own cost.

A licence will not be granted or renewed in the absence of a current Certificate of Good Character.

Where a person has spent three months or more, on active service, or any similar deployments abroad as a member of the British Armed Forces, then they will be exempt from the requirement to provide a Certificate of Good Character but will require a reference from a commanding officer authorised to provide the same.

If an existing driver has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

Details of how to apply can be found via the Gov.uk website;
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

2.13 Safeguarding & Disability Awareness Training

Every driver must undergo Safeguarding Vulnerable Passenger Training prior to being issued with a combined drivers licence.

Details of the current 'Safeguarding & Disability awareness e-Learning Course' provider, recognised as suitable, to the satisfaction of the Regulatory Services Manager, is listed within Section 6 of this policy. Further information and the link by which to access the course is available on the licensing pages of the Councils website.

The course aims to provide Taxi and Private Hire drivers with a knowledge and understanding of Safeguarding, their responsibilities and best practice protocols. The candidate will be able to;

- Understand what is meant by the term 'Safeguarding'.
- Identify adults at risk and other vulnerable people.
- Understand what is meant by Child Sexual and Criminal Exploitation, Human Trafficking, Modern Slavery and Domestic Abuse.
- Recognise types of abuse, associated signs and indicators.
- Identify suspicious activities.
- Know how, and to whom, they can report concerns.
- Understand their safeguarding responsibilities and best practice protocols.

Where an applicant, has undertaken a similar safeguarding awareness training course, written details must be provided of the course, along with written confirmation of attendance. The Regulatory Services Manager will consider the contents of both courses and whether the completed course is an acceptable alternative.

2.14 A 'Right to a licence' in the UK.

Under the Immigration Act 2016, the Council require all applicants to provide documentary evidence to confirm that they have a 'right to a licence' in the UK. This means that someone is not disqualified by their immigration status from holding an operator or Private Hire/Hackney driver licence. The Home Office has compiled a list of acceptable documents which prove someone has the Right to hold a licence in the UK. Documents will fall into either List A or List B. This list can be found on the Councils Licensing Web page – [apply for a taxi drivers licence](#)

No license will be granted or accepted, until the applicant is able to prove they have a right to licence in the UK.

An applicant will need to provide either;

- a) Document(s) from List A, these documents show a permanent right to remain in the UK. ; Or
- b) Documents from List B, these documents show a temporary right to be in the UK.

These must be **original documents** which will be required to be checked within the applicant's presence. Photocopies; scanned documents and faxes for example are not acceptable.

Proof of a 'right to licence' in the UK must be provided when an application is made in respect of new applicants. In respect of renewal applicants, proof should be provided on every application, if they have previously provided documents from List B only. If proof cannot be provided at the time of renewal the Council will allow the application to be made, but no licence will be granted until proof has been provided.

A copy of the relevant page(s) of the documents provided will be retained in a format which cannot subsequently be altered, for example a photocopy or a scanned document. In the case of a passport or other travel document, the following parts must be photocopied or scanned:-

- the document's front cover and any page containing the holder's personal details.
- any page will be copied that provides details of nationality, his or her photograph, date of birth, signature, date of expiry or biometric details, and any page containing UK Government endorsements indicating that the

holder has an entitlement to be in the UK and is entitled to undertake the work in question.

Other documents will be copied in their entirety.

Failure to comply with 'Right to Licence'

An application for the first grant of either a private hire operator or hackney carriage/ private hire driver licence will not be accepted if the applicant fails to provide evidence of their Right to Licence in the UK.

Any renewal applicant who fails to comply with the requirement to prove their Right to Licence in the UK will be refused a private hire operator licence or private hire or hackney Carriage driver licence.

If an applicant produces documentation from List B to prove their Right to Licence in the UK then, upon expiry of this document, if during the term of the Private Hire or Hackney Carriage licence, they are required to produce further documentation showing their ability to continue working.

A letter reminding the licence holder that their hackney carriage/private hire drivers licence is due to expire, due to the expiry date of their Right to Licence documents will be sent 2 months prior to the expiration date. Failure to produce evidence of Right to Licence will lead to the revocation of their licence and/or badge with immediate effect.

Reporting of illegal workers to the relevant authorities

If the Council has any concerns that an applicant has been working in the UK illegally then this information will be reported to the Home Office and relevant Border authorities

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom

2.15 DVLA Licence

To be able to obtain a Licence you need to provide a full driving licence (not a provisional licence) which authorises you to drive a motor car when you first apply.

This full licence needs to have been held for a minimum of 12 months. A copy of both sides of this licence will be taken at the time you submit your DVLA Mandate Form, to the Council's Licensing Section.

In addition to the above, please be aware that if you are using an EEA licence, the length of time it has been held will be taken in account but you must change the EEA licence to that of a UK licence within 12 months of your application, to ensure the necessary licence checks can be carried out.

The driver must produce their original DVLA UK licence to the Licensing department. Failure to provide this may result in suspension of their licence or a new/renewal application being refused.

DVLA – Data Mandate Form and consent.

The DVLA Mandate will be sent to new drivers once they have passed their knowledge tests and with renewal driver packs. This document is to be completed by the applicant, to confirm their entitlement to drive.

The DVLA Mandate gives consent to the Council to check the applicant's driving licence record for three years.

2.16 Relevance of Convictions and Cautions

In relation to the consideration of convictions and cautions recorded against new applicants, the Council will use the Enforcement, Convictions Scheme and Penalty Points Policy set out in Section 5 of this policy.

2.17 Convictions during period of Licence

It is important, in the interests of consistency and transparency that a procedure should be in place to consider, where offences resulting in conviction are committed by licensed drivers, what effect this could have on their hackney carriage or private hire driver's licence.

For drivers the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5 will be applied as part of the application process or for incidents occurring within the life of the licence.

Hackney Carriage and Private Hire Vehicles

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Hackney Carriage and Private Hire Vehicles

3.1 Specifications and Conditions

Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles.

The Best Practice Guidance suggests that local Licensing Authorities should encourage a mixed fleet of vehicles to meet the various needs of the public.

The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public. Therefore, it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

It is the vehicle licence holder or operator who is responsible for complying with these conditions unless otherwise stated in a condition.

These conditions will apply to all vehicles licensed as Hackney Carriages or private hire vehicles and where appropriate subject to extra conditions for exempt (executive) hire Special Types (Trike) and stretch limousines.

Where conditions are subject to interpretation the decision of the Licensing Enforcement Officer/ Regulatory Services Manager will be final and will be confirmed in writing and thereafter form part of the conditions for the vehicle concerned.

3.2 Vehicle Requirements

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

All vehicles must meet M1 Category standards (vehicles designed and constructed for the carriage of passengers and comprising no more than 8 seats in addition to the driver's seat).

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

All vehicles must be right hand drive with the exception of Stretch Limousines and Special Vehicles where individual conditions will apply and have a minimum of 4 doors.

Vehicles should be capable of carrying a minimum of four average sized adults in comfort and have adequate storage for passenger luggage. The arrangements for storing luggage must not obstruct the use of any exit from the vehicle or be likely to cause injury to a passenger.

Vehicles can be licensed up to 8 passengers.

All seats within the licensed vehicles must be either forward or rear facing and shall be fitted with a 3-point belt or lap belt for use by each passenger. Stretch limousines may have side facing seats but must meet the seat belt condition.

Tyres must conform to the current EC or BS standard for tyres. (this includes remoulds and re-treads)

There must be sufficient means for passengers and drivers to communicate.

The maximum vertical height acceptable between the road and first step or floor of vehicle is 300 mm. Step/steps must be provided to vehicles where this measurement is exceeded. If a fixed step is fitted to the vehicle and is capable of being extended beyond the bodyline, it must be designed, or have a warning device fitted, so the vehicle cannot be driven away with the step extended.

3.3 Identification of vehicles as Private Hire Vehicles or Hackney Carriages

The Council requires Hackney Carriages and Private Hire vehicles to clearly indicate to the public that they are licensed vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage can achieve this.

The Council has set standards on the acceptable type of signage for Private Hire Vehicles and Hackney Carriages, which include;

- the permitted position of licence plates
- positioning of permanent door signs for vehicles
- required wording for door signs on vehicles
- requirements for the display of notices in vehicles

- other notices/markings that the Council will require licensed vehicles to display

3.4 Signage and Advertising

‘Signage’ is defined as all signage on the vehicle that is not for commercial advertising i.e. commercial advertising is for goods or services of another organisation.’

No signage is permitted in any window(s) except that used to advise that smoking is not allowed in the vehicle and that food and drink is not to be consumed.

No smoking signs must be displayed in the vehicle.

No Signage or advertising shall interfere in any way with the signs and plates issued by the council.

No magnetic signs are acceptable other than for executive vehicles that have an exemption certificate or a temporary lease car that has written approval.

3.5 Private Hire Vehicles

To avoid confusion a private hire vehicle should not display the word ‘TAXI’ (other than as part of a company name and in the plural, i.e. ‘TAXIS.’) so that the public do not think that the vehicle can be hailed on street.

Private Hire vehicles must not carry a roof sign and shall not be of a design or appearance that gives the impression that it may be a Hackney Carriage. A self-adhesive door sign provided by the Council shall be displayed on BOTH rear doors or rear panels (above the wheel arch) of the vehicle. The sign shall incorporate the Council name and logo, plate number of the vehicle and the words ‘ADVANCE BOOKINGS ONLY – PRIVATE HIRE’.

Signage must be displayed in the car to advise that smoking is not allowed in the vehicle and may be displayed that food and drink is not to be consumed.

A notice is to be displayed in every vehicle giving details of the Licensing Department, to which a customer may make a complaint about a vehicle and/or driver.

3.6 Hackney Carriage Vehicles

Hackney Carriage vehicles **MUST** be fitted with a roof sign at all times. The sign shall not be illuminated when the taxi meter is brought into operation.

Signage may be displayed in the car to advise that smoking is not allowed in the vehicle and that food and drink is not to be consumed.

A notice is to be displayed in every vehicle giving details of the Licensing Department, to which a customer may make a complaint about a vehicle and/or driver.

3.7 Livery

The Council will not approve for licensing as a private hire vehicle, any vehicle whose appearance will lead any person to believe it is a hackney carriage.

3.8 Commercial Advertising

Advertising of a commercial nature is permitted on both hackney carriages and private hire vehicles.

No commercial advertising is permitted on windows.

Advertisements must comply with the guidelines issued by the Advertising Standards Agency.

Advertisements of the following nature will **NOT** be permitted:

- Alcohol or any associated product
- Tobacco products of any description
- Religion
- Political
- Controversial

- Bad taste

Any commercial advertising must not obscure, obliterate or be confused with the signage required by the Council.

3.9 Accessibility

The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to disabled residents to enjoy a high quality of life. The provisions of the Equality Act 2010 will apply to vehicles, drivers and Licensing Authority.

In order to help achieve these duties, the Council will require Proprietors and Operators, especially those with 5 or more vehicles, to provide at least one vehicle which is fully wheelchair accessible, that is, capable of carrying a person who remains in the wheelchair with sufficient provision to secure the wheelchair to the floor of the vehicle.

A reduction on the vehicle licence fee for a fully wheelchair accessible vehicle will be made. This will be 100% off the current fee.

3.9.1 Designated Vehicle List

Section 167 of the Equality Act 2010 allows licensing authorities to maintain a list of 'designated vehicles' which is a list of wheelchair accessible vehicles (WAV) Hackney Carriages and Private Hire Vehicles licensed in their area. The minimum requirement for the vehicle to be on this list is that it is able to carry the wheelchair user whilst seated in their wheelchair.

From April 2017, drivers of hackney carriage and private hire vehicles designated by the local licensing authority as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate. Section 165 places duties on drivers of designated wheelchair accessible hackney carriages and private hires. These duties are:

- To carry the passenger while in the 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.
- To give the passenger such mobility assistance as is reasonably required.

Mobility Assistance is defined as assistance;

- To enable the passenger to get into or out of the vehicle.
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair.
- To load the passengers luggage into or out of the vehicle.
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

A driver of a designated hackney carriage vehicle or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.

Drivers who, for medical reasons are unable to accept wheelchair passengers are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence as proof that they cannot comply with the Equality Act 2010. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times the driver is working.

3.10 Maximum Age of Vehicles

On the date of application for the first licence with the Council vehicles must be less than 6 years old unless they meet the specifications as a vintage/prestige vehicle.

Vehicles can continue to be relicensed up to but not including the date when they are ten years old provided that they meet the vehicle specifications.

The only exceptions to this are purpose built vehicles and conversions approved by the Public Carriage Office and vehicles which have been specially manufactured or professionally adapted to carry a wheelchair.

Subject to approval by an Authorised Officer, and that these vehicles continue to

meet the vehicle licensing specification, these vehicles can be registered for the first time and continue to be licensed until they are 15 years old.

The vehicle examiner conducting the test has the discretion to pass or fail any such vehicle, submitted for a certificate of compliance test. The Council relies on the abilities of the authorised garages and testers.

This is to ensure the vehicles are maintained in the best possible condition and promotes public safety within the Borough.

3.11 Trailers

Any trailers must be authorised by the Council and display a licence plate. There will be a charge for an additional plate.

The trailer must at all times, comply with all requirements of road traffic legislation.

The vehicle insurance must include cover for towing a trailer.

The driver's DVLA driving licence must cover the categories that allow for the towing of trailers.

Trailers will be subject to an inspection by an Authorised Officer and must be free from rust and corrosion and in general good condition

3.12 Environmental Considerations

Vehicle licensing policies can and should support local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels.

LPG conversions to vehicles are acceptable but must meet all other vehicle licence conditions.

Evidence must be produced at the time of licensing to show that an LPG conversion has been carried out by an agent approved by the manufacturer or in the case of LPG conversions, the fitting agent is approved by the LPG association.

It is important that emissions from taxis are reduced as far as possible and a reduction will be made to the licensing fee for licensed vehicles that are fueled by Electricity, LPG, petrol/+electric or compressed natural gas.

The reduction will be 25% off the current fee to actively encourage the use of these vehicles for hackney carriage or private hire.

3.12.1 Clean Air Zones (CAZ's)

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

To implement these schemes, local authorities may need to differentiate between taxis/PHVs and private vehicles. This is because in some cases local authorities will implement CAZs that apply charges to taxis and PHVs and not to private vehicles, or they may wish to set a different level of charge for these vehicles. Licensing authorities only hold information on taxis and PHVs licensed within their own area so are not able to clearly identify and charge a taxi/PHV entering or moving around their charging CAZ which has been licensed by another authority (also known as 'out of area vehicles'). If local authorities cannot identify all out of area vehicles then this would undermine their ability to effectively operate CAZs where charging of these vehicles has been determined to be necessary.

The Air Quality (Taxi and Private Hire Vehicles Database) Regulation 2019 requires all licensing authorities in England and Wales to submit certain information about their licensed taxis/PHVs to the database.

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

3.13 Testing and Examination of Vehicles

There will be a compliance test for all vehicles, on application and annually upon renewal.

These tests must be conducted by an approved taxi testing station no more than 30 days prior to the date of application or date of licence expiry.

All licensed vehicles over 8 years old will be subject to 2 compliance tests a year, 6

months apart.

Stretched limousines, special vehicles and any other vehicles determined by an Authorised Officer will be subject to 2 compliance tests per year 6 months apart.

Three taxi testing stations are approved by the Council; no other station may be used except in the case of stretched limousines and other special vehicles which may from time to time need to be tested elsewhere. This requirement is in addition to the M.O.T. test.

An MOT test is required for Hackney Carriages one year from the date of first registration.

The MOT requirement for Private Hire vehicles is from 3 years after the date of first registration.

An updated list of the current approved Council garages can be obtained via the Licensing Section of the Council or via the relevant page on the Council's web site.

This is to ensure the vehicles are maintained in the best possible condition and promotes public safety within the Borough.

Any Authorised Officer or Police Officer can, at any reasonable time, inspect the Vehicle and test a Vehicle for its fitness or test a Taximeter (Hackney Carriages) or Meter (Private Hire Vehicles).

An Authorised Officer or Police Officer has the power to suspend the Vehicle Licence until this has been done and they are satisfied that the Vehicle or the Taximeter or Meter meet these conditions.

You are reminded that if a vehicle fails to meet the necessary standards within two months of the suspension, the licence is deemed to be revoked.

Notwithstanding this policy the Council may request up to 3 formal inspections at an approved garage at any time during a 12 month period.

The costs of compliance tests at one of the Council's approved garages will be borne by the proprietor of the vehicle.

3.14 Vehicle Maintenance

The vehicle shall be maintained in a safe mechanical and structural condition at the manufacturer's service intervals such that it is capable of satisfying these conditions at any time during the continuance of the

vehicle's licence.

The interior and exterior of the vehicle must be kept clean, in good order and repair, and in every way fit and safe for public use.

The exterior of the vehicle shall be free of noticeable dents, rust or unrepaired damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The seats shall be required to function in accordance with the original manufacturer's specification.

3.15 Incidents / Damage to Vehicle

Public safety is paramount. All vehicles involved in a collision or incident, will be required to notify the Council of damage to a licensed vehicle, within 72 hours of the incident.

The Licensing Authority may undertake its own program of inspections between formal vehicle tests, e.g. where notified of an collision. Where an Officer is unsure as to a vehicle's compliance or vehicles fitness, the vehicle may be referred to a current approved Council garage(s) for a formal assessment.

Authorised Officers may carry out roadside checks at any time. If a vehicle is found to be defective in any respect a Vehicle Defect notice may be issued. If the defects are not rectified as required in the defect notice within two months the licence will be deemed to be revoked, unless there are exceptional circumstances.

Melton Borough Council may carry out further checks together with Police and VOSA or any other agency.

The Council will, from time to time, review the compliance and formal inspection forms used by inspectors.

Notwithstanding this policy the Council may request up to 3 formal inspections at an approved garage at any time during a 12 month period.

The costs of compliance tests at one of the Council's approved garages will be borne by the proprietor of the vehicle.

Where the testing requirements are not met, the Council may either agree a period of time for rectification (warning notice) and re-inspection, or suspend the vehicle until rectification and re-inspection has occurred. The test will be at the owner's expense.

3.16 Vehicle Equipment

The vehicle shall carry the following equipment:

- The manufacturer's original design of equipment for dealing with punctured tyres must be kept on the vehicle and maintained in a usable condition.
- First Aid kits must be carried in all vehicles and must be suitable for treating minor injuries and should comply with advice of the Health and Safety Executive as a minimum. This must be readily available to the driver at all times.

The First Aid kit must be marked clearly with either the registration number or vehicle licence plate number of the vehicle.

3.17 Vehicle Licence Plates

The licence plates when issued by the Council shall be securely fixed to the front windscreen and rear of the vehicle unless an exemption has been granted by this Council.

All licence plates shall be fitted so that they are clearly visible to public view at all times even when not being used for Hackney Carriage or Private Hire purposes.

The internal licence plate supplied by the Council shall be displayed in the top near side corner of the front windscreen, visible and legible to all passengers.

The proprietor/operator or driver of the vehicle shall not negligently or willfully cause or suffer any licence plate to be concealed from public view or allow the licence plate to be defaced, whilst the vehicle licence is in force.

All plates, signs, etc. remain the property of the Council and must be surrendered to an Authorised Officer upon request following suspension of a vehicle, when the licence is surrendered or the licence has expired.

3.17.1 Dual Plating

The Council will not grant a hackney carriage or private hire vehicle licence for

any vehicle already licensed by another Licensing Authority.

3.18 Meters

Authorised Meter Installers

The Council approves the use of two meter installers, details of which can be obtained by contacting the licensing section or via the relevant page on the Councils web site.

Meters

All hackney carriages are required to be fitted with a taximeter installed by a Council approved taximeter installer.

The taximeter fitted in a Hackney Carriage will be sealed and calendar controlled to the current tariff as set by the Council.

Private hire vehicles, that have a meter fitted, will ensure that they are sealed and calendar controlled, and set to the current tariff set by the vehicle's private hire operator.

The meter/taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is Council compliant.

Seals must be intact at any time that the vehicle carries a licence plate, except when at an approved installers premise.

Hackney Carriages

All Hackney Carriages must have a working taximeter fitted that meets the requirements of the Hackney Carriage and Private Hire Licensing Policy.

The original certificate issued by the installer must be provided to the Licensing Section on grant of the vehicle licence or at tariff change.

The driver of a vehicle provided with a taximeter as aforesaid shall:-

- ensure that no fare is recorded on the face of the taximeter prior to the commencement of any hiring;
- shall ensure the dial of the taximeter remains properly illuminated

throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

A copy of the Council's current tariff shall be clearly displayed in the vehicle where it can easily be seen by passengers.

If the vehicle is also operating as a private hire vehicle under a private hire operator it must clearly display that operator's current fare chart.

Private Hire Vehicles

A private hire vehicle, if fitted with a meter, must have a meter that meets the requirements of the Hackney Carriage and Private Hire Licensing Policy.

The original certificate issued by the installer must be provided to the Licensing Section on grant of the vehicle licence or at tariff change.

The driver of a vehicle provided with a meter as aforesaid shall:-

- ensure that no fare is recorded on the face of the meter prior to the commencement of any hiring;
- cause the dial of the meter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

A copy of the Operators current fare chart shall be clearly displayed in the vehicle if the vehicle has a meter fitted.

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired. If the charge is calculated from a fare/tariff, a current fare table must be displayed where it can easily be seen by passengers.

3.19 Security/CCTV

The hackney carriage and private hire trade provide a valuable public service, especially at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras

can be a valuable deterrent as well as protecting the driver from unjustified complaints.

Video surveillance systems are permitted to be fitted to the vehicle provided that:-

- The owner or operator notifies the council within 10 working days of the installation of the system including details in writing as to the security, disposal and retention of the images recorded by the system.
- A warning notice is clearly displayed informing the public that such a system is in operation.
- The owner or operator should make any images available to the Police or authorised officers on request.

It is not proposed that measures such as CCTV cameras should be required as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. However installation of CCTV cameras in vehicles on a voluntary basis will require the operator to handle relevant data gathered in an appropriate and secure manner.

3.20 Replacement (Lease) Vehicles

Replacement vehicles must comply with the vehicle age restrictions and should have the same capabilities regarding wheelchair accessibility as the vehicle it replaces, i.e. a wheelchair accessible vehicle can only be replaced by another wheelchair accessible vehicle.

The temporary hackney carriage/private hire vehicle is required to be tested by a current approved garage(s) and an application for a temporary vehicle licence must be submitted to the Licensing Authority.

Magnetic signs may be allowed on a temporary lease car licensed by Melton Borough Council provided that the Council has given prior written approval.

The original plates must be returned to the Council.

Only drivers licensed by Melton Borough Council are permitted to drive vehicles licensed by this council.

3.21 Insurance

It is required that an original insurance document(s) must be shown each time a vehicle licence is issued (grant and renewal). Certificates of insurance (and listing of vehicles) will be accepted by email, sent directly from the insurance company. The insurance certificate/cover note will not be accepted if there is less than 7 days to its expiry.

This requires:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward.
- A Private Hire vehicle requires insurance to cover hire and reward.
- The Council will not accept an insurance policy for a private hire vehicle that states or implies the vehicle is insured for public hire.
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity and before the cover note expires.
- If a larger company with 'an all vehicle certificate of insurance', the Council will require an up to date accompanying schedule directly from the Insurance company, listing all vehicles by vehicle registration, make and model and the type of licensed vehicle, i.e. Hackney or private hire.

3.22 Exempt Vehicles (Executive)

The display of a plate on a vehicle and a driver's badge are important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed the Driver and the Vehicle have been subject to checks to ensure the public's safety.

However, in certain circumstances, it is accepted that it is inappropriate to have a plate displayed on a Private Hire vehicle and exemptions will be granted where there is good reason.

The circumstances where an exception could be given would include:

- Where there are corporate implications for the operation of the hirer's business, such as the carrying of high profile passengers
- When carrying passengers for hire or reward to/from or in connection with any wedding ceremony or funeral;
- When under contract for hire of the vehicle for a period of not less than 24 hours.
- Where the vehicle is employed in a long term contract with a company, i.e. a hotel or corporation to provide an executive vehicle to passenger clients, i.e. to and from an airport or to corporate meetings etc. similar to a limousine type service.

Exemptions will only be granted to vehicles that meet the Executive Vehicle standards. Each application will be assessed on its own merit and each vehicle will be inspected by an Authorised Officer to ensure that it meets the criteria.

The Council recognises that there is a market for hiring vehicles to customers who would not want that vehicle to be readily identified as a Private Hire Vehicle. To exempt the vehicle from the usual plating conditions it must comply with the council's guidance and apply for an exemption.

The only vehicles allowed to be covered under this exemption policy will be 'executive type vehicles' *

To meet the executive vehicle standards the vehicle must meet the European commission definition of an E F or M segment vehicle and should be luxurious and best in class.

The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.

A driver of an exempted vehicle will dress appropriately, either in uniform or in formal dress.

The type of work undertaken must be 'executive' in nature and under a contract for the hire of the vehicle for a period of not less than 24 hours. The vehicle identified in the written contract is to be used specifically for the company or person, type of client(s) who for security or personal safety reasons would not want the vehicle to be identifiable.

The Certificate of Exemption refers only to the vehicle identified in the certificate.

On applying for a Private Hire (Vehicle) Exemption the proprietor/operator of the vehicle must submit an 'application for exemption' and supply a copy of the contract supplied by the customer, requesting that the vehicle be unidentifiable as a licensed private hire vehicle, giving the reasons why.

An application for exemption with accompanying and current contract(s) must be submitted when the vehicle is first listed as exempt (licensed) and annually on each renewal of the vehicle licence and plate.

The front windscreen and rear plate, magnetic door signs along with the Certificate of Exemption should be carried at all times in the vehicle.

The exempted vehicle will carry no identifying feature of any kind (company name, telephone number, etc.) which may identify the vehicle as a licensed Private Hire vehicle.

The use of magnetic signs door signs will be permitted on exempt vehicles.

Failure to adhere to any of the Conditions will result in the vehicle exemption being withdrawn.

Any exemption will be at the discretion of the Council.

3.23 Stretched Limousines

Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions. Stretched limousines can be licensed for private hire work providing they carry no more than eight passengers and meet the requirements of the Local Government (Miscellaneous Provisions) Act 1976.

These requirements only apply to 'stretch limousines' i.e. a saloon type vehicle that has undergone an increase in length by extending its wheelbase after manufacture and can seat at least 6 but not more than 8 passengers

In accordance with the Statutory Taxi & Private Hire Vehicle Standards: Best Practice Guidance - July 2020, all applications to licence stretched limousines as

private hire vehicles will be treated on their own merits and be approved for licensing as private hire vehicles subject to meeting all private hire licence requirements.

Vehicles with this license are exempt from certain of the licence and signage requirements. They may carry the front door Private Hire Signage, Signage or advertising for the rear window and/or additional signage on the front and/or rear doors of the “name” of the vehicle. They may choose to carry no signage, which would require an application for ‘exempt’ vehicle status.

Only stretched limousines complying with the requirements below will be considered for licensing as a private hire vehicle.

The vehicle must not be over 5 years old on first application for licensing.

DVLA V5 or equivalent shall be produced to authenticate registration.

Vehicles may be either left or right hand drive providing that they have proof of full Vehicle Type Approval.

The VIN plate shall display ‘1L1’ to confirm conversion completed by an authorised dealer.

The vehicle must have a minimum of 4 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism. Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 41 centimetres (16 inches).

A plate on the door pillar shall confirm the total weight of the vehicle. Tyres fitted to the vehicle must be either 235/75R-15 108S (BF Load) OR 225/70R-16107T Town Car Limo Tyre (Reinforced) or other such tyres as deemed suitable by an independent engineer for this application.

No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.

3.24 Special Vehicles – Escorted Trike Tours

Motorcycle style 'Tricycles' can be licenced for use on Pre booked Escorted tours. They must not be used for traditional Private hire work due to the special nature of the vehicle. Helmets and special clothing must be provided and worn at all times.

The Tricycle must adhere to the Standard Conditions attached to the grant of a Motor Tricycle Special Vehicle Licence.

3.25 Funeral Vehicles

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

3.26 Wedding Vehicles

A vehicle does not need to be licensed while it is being used solely in connection with a wedding.

3.27 Wheelchair Accessible Vehicles

Any vehicle that is capable of conveying a wheelchair user seated shall be:-

- Equipped with ramps or other equipment to permit wheelchair users safe access and egress from the vehicle.
- Equipment not permanently fixed to the vehicle shall be legibly and indelibly marked with their safe working load.
- Adequate means shall be provided to secure the equipment in position when loading/unloading a wheelchair or wheelchair user. Suitable provision must be made to securely stow ramps once the vehicle is in motion.
- Provided with suitable restraining devices to enable a wheelchair user to be safely and securely transported and to comply with legal standards.
- Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall be thoroughly examined and tested at least once in every period of 12 months and a copy of the current test certificate kept on the vehicle.

3.28 Convictions

Drivers holding a licence who commits an offence or breach these licence conditions or certain of the vehicle licence conditions will be subject to the Councils Penalty Points scheme. New applicants for a licence will also be considered against the Enforcement, Convictions Scheme and Penalty Points Policy.

3.29 Change of Address

Any proprietor/operator must notify the Council in writing, of any change in their name or address within 10 working days of any such change taking place.

3.30 Transfer of Interest in Vehicle

If the proprietor/operator (seller) of a licensed vehicle transfers his interest in the vehicle to any other person whatsoever he shall give notice in writing of the transfer to the council, giving the name and address of the person to whom the vehicle has been transferred as soon as is practicable and in any case not later than 10 working days after the transfer has become effective.

3.31 Fares

The Council has adopted the power, under Section 65 of the 1976 Act to fix the maximum fares for hackney carriages and under the Council constitution this is considered an executive function. The Regulatory Services Manager has delegated power to publish a notice but if there are objections received, which cannot be resolved, these are to be referred to Cabinet.

Hackney Carriages

Hackney Carriage Fares, set by the Council, are a maximum. The current tariff must be displayed where it can be seen easily by passengers.

Taximeters must be used to record the fare from, but not before, the start of a journey. Taximeters must not be started for disabled passengers requiring assistance before they are seated and secured.

The driver is responsible for ensuring that the seals of the taximeter are intact whilst they are in control of the vehicle. Drivers must not use a vehicle where the seals have been broken.

A hackney carriage cannot charge more than the metered fare for a journey within the Borough irrespective of how that was arranged (rank, hailed or pre-booked). Before the start of a hiring for a journey which ends outside the district, agreement can be made to pay an amount which is more than the metered fare, but if no agreement is made only the metered fare can be charged.

Hackney carriage drivers, can when working, offer a discount on the metered fare (within or outside the district) as long as it is less than the hackney tariff set by the Council.

The Council may review Hackney carriage fare scales when requested by the Hackney Carriage proprietors. The Council would follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976 in respect of consultation and advertisement of any variation of the fares.

When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed.

Out of district journeys can be negotiated prior to the commencement of the journey in both Private Hire Vehicles and Hackney Carriages.

A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Private Hire Vehicles with a meter

Private Hire Operators may set their own fares, but if a meter is used the current fare chart must be displayed in each vehicle so that it is easily visible to all hirers.

Meters must be used to record the fare from, but not before, the start of a journey. Meters must not be started for disabled passengers requiring assistance before they are seated and secured.

Unless there is an agreement with the passenger before the journey commences, you cannot charge more than is shown on the Meter, at the end of the journey.

The driver is responsible for ensuring that the seals of the meter are intact whilst they are in control of the vehicle. Drivers must not use a vehicle where the seals have been broken.

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired.

If the charge is calculated from a tariff, a current fare/tariff table must be displayed where it can easily be seen by passengers.

If a Mobile App or other electronic device is used to set a tariff for the journey, then the means of setting that tariff should be visibly displayed in the vehicle.

3.32 Application Procedures

The Council will consider all applications for vehicle licences on their own merits once the application is complete.

Driver's licences shall remain in force for three years, unless the Council decides it appropriate in the circumstances of the case that the licence should be for a lesser period and then can be renewed.

Drivers are reminded that the ultimate responsibility for ensuring that their licence is renewed on time remains with them.

Drivers will be subject to suspension of their licence, if it expires unless it is proved to be out of their control.

Revocations, refusal to grant or refusal to renew will be referred to the Licensing Sub Committee. All applicants will be given the opportunity to make oral representation to the Licensing Sub Committee. The Local Government (Miscellaneous Provisions) Act 1976 provides for appeals against any decisions made.

3.33 Grant and Renewal of Vehicle Licences

Hackney carriage or private hire vehicle licences will be issued for a 12 month period from the date of grant.

Application forms, supporting information and appropriate fees should be submitted at least 10 working days prior to the expiry of the previous licence.

Current MOTs and test certificate passes must be submitted no later than ten working days prior to the expiry of the existing licence. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy. If the licence is not renewed before expiry a hackney carriage/private hire vehicle will be required to re-license with new plates and to meet all current conditions.

3.34 Enforcement

For vehicles the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5 will be applied as part of the application process or for incidents occurring within the life of the licence.

3.35 Refuse to Grant/ Renewal

The Council may suspend, revoke, or refuse to renew a vehicle licence for any of the following reasons:

- (a) The vehicle is considered unfit
- (b) An offence has been committed by the proprietor or driver
- (c) For any other reasonable cause

Appeal against the suspension, revocation or refusal to renew a vehicle licence can be made to the Magistrates' Court.

Private Hire Operators Licence

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Private Hire Operators' Conditions

4.1 Private Hire Operators

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 no person shall, in a controlled district, operate any vehicle as a private hire vehicle without having a current Private Hire Operator's licence. A Local Authority shall not grant a licence unless they are satisfied that the applicant is a 'fit and proper person' to hold an Operator's licence. A private hire operator's licence will be valid for five years.

In determining whether an applicant is 'fit and proper' to operate private hire vehicles and drivers in Melton, the Council shall have regard to (but not limited to) the following factors:

- Any previous convictions of relevance;
- The applicant's financial standing;
- The applicant's general character;
- The applicant's knowledge and experience of the private hire profession;
- The applicant understanding of their responsibility as a private hire operator and their commitment to abide by the terms and conditions of the private hire operator's licence;
- Immigration status (see Application Guidance at Section 6 re 'right to licence');

Only when the Council is satisfied on all these points will it consider granting/renewing a private hire operator's licence. However, before granting the licence the Council will have to be satisfied that the premises from which the applicant intends to operate is suitable.

When the Council is satisfied with the fitness of the applicant and the suitability of the applicant's premises then a private hire operator licence can be granted/renewed subject to standard terms and conditions plus any other special conditions which the Council deems necessary.

The Council takes the view that as the person responsible for recruiting private hire vehicles and drivers, for accepting bookings and for fulfilling customer expectations, the role of the private hire operator is crucial. It is they who can set

the standards expected by the Company and ensure that vehicle proprietors and drivers meet those standards and customer's expectations. It is also important that the private hire operator recognises the role of the Council as the Licensing Authority and works in partnership with the Council to achieve high standards.

The aim of the Council's policy is therefore to ensure that only persons who are honest, professional and committed to meeting the Council's high standards are licensed as private hire operators in Melton. It is hoped that through this policy the Council, the private hire trade and ultimately the people of Melton will benefit from a high quality, professional private hire service.

4.2 Detailed consideration of 'fit and proper'

Every applicant (unless they are currently a licensed driver with the Council) will be required to;

- provide a Statutory Declaration; and
- Provide a Basic Disclosure from Disclosure and Barring Service (DBS) <http://www.gov.uk/basic-dbs-check> (if you need telephone or face to face support to apply on line, call the DBS helpline on 03000 200 190 or email customer services@dbs.gsi.gov.uk)
- Immigration Status (This list can be found on the Councils Licensing Web page – 'Apply for a New Combined Drivers Licence.')

In respect of an application from a partnership, each and every partner will be required to submit a separate Statutory Declaration and Basic Disclosure check.

In respect of an application from a limited company, each director, company secretary and the person who is the manager of the private hire operation will be required to submit a separate Statutory Declaration and Basic Disclosure. In addition details of any convictions against the company will need to be submitted to the Council for consideration.

The Council will only accept a Statutory Declaration and Basic Disclosure relating to an individual that has been produced within the last 3 months. Further Statutory Declarations and Basic Disclosure's will be undertaken every year.

The applicant must satisfy the Council that the applicant is fit and proper to be granted a private hire operator's licence. Every applicant, partner, director (unless they are currently a licensed driver with the Council) will be required to:

- Provide a Statutory Declaration.
- Provide a Basic Disclosure Check.
- Operators from other countries will be required to provide a Certificate of Good Conduct from the embassy of any country where they have been domiciled before entering the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be translated into English at the applicants own cost.
- Undertake and pass the Safeguarding Vulnerable Passenger Training before a licence is issued, the same as a new licensed driver. Details of the current 'Safeguarding eLearning Course' provider, recognised as suitable, to the satisfaction of the Licensing section is listed within Section 6. Further information and the link by which to access the course is available on the licensing pages of the Councils website.
- Relevant original documentation to provide 'right to licence' (This list can be found on the Councils Licensing Web site).

The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licences. They are required to disclose all convictions, including those that would normally be regarded as spent. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

4.3 Previous Convictions

In view of the significant responsibility held by private hire operators in terms of setting standards for their company, recruiting vehicles and drivers, and dealing with members of the public the Council believes that the operator must be a person of good character and should be an example to all those whom they employ or allow to drive on their behalf.

The Council therefore insists that applicants must at least fulfil the same requirements as applicants for private hire driver's licences in terms of being free from serious convictions. Serious convictions include any formal cautions. The Enforcement, Convictions Scheme and Penalty Points Policy, Section 5 will be applied to applicants with convictions.

4.4 Register of staff

Private hire operators are required to keep a register of all staff that will take bookings or dispatch vehicles.

In doing so operators must evidence to the authority that they have had sight of a basic DBS check on all individuals added to the register. They should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records.

A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register.

Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

An operator can not pass on the obligation placed on them to protect children and vulnerable adults.

Operators or applicants for a licence should also provide their policy on employing ex-offenders in roles that would be on the register as above.

As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences, other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

4.5 Private Hire/Hackney Carriage Offences and Non-Compliance with Licence Conditions

Any previous conviction that relates to an offence committed (in any licensed district) by the applicant while working as a Hackney Carriage or Private Hire Proprietor, Driver or Operator is regarded as extremely serious and the application is likely to be refused or an existing licence revoked.

This includes any offence against the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. In addition, at the time of renewal of any private hire operator's licence, the Council will consider the applicant's compliance with the licence conditions. In cases where there have been minor breaches of the licence conditions, these will not usually prevent renewal of a licence but the applicant should be issued with a warning as to their

future conduct.

In the case of more serious breaches of the licence conditions such as:

- where there is evidence of a repeated failure by the applicant to ensure that vehicles are maintained in a roadworthy condition; and/or the applicant is unable to demonstrate that she/he has taken effective action to prevent such plying for hire then in such cases the Council will usually refuse to renew the licence.

This list is not exhaustive and should not be regarded as the only examples of serious breaches of the licence conditions.

4.6 Financial Considerations

Applicants for the grant of a licence must demonstrate that they are solvent, of sound financial standing and free from any past financial irregularities.

If the applicant has been declared bankrupt then an application will be refused or an existing licence revoked. An application will not be considered until their bankruptcy has been discharged.

If the applicant has been a director of a company that has gone into administration, then an application will usually be refused or an existing licence revoked. In cases where an applicant has been disqualified from being a director of a company, then an application will not be considered until their period of disqualification has expired.

4.7 Certificate of Good Conduct (residency outside the UK)

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas.

Private Hire Operators (who are not a licensed driver with Melton) will be required to provide a Certificate of Good Conduct from the embassy of every country where they have been domiciled before entering the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be translated into English at the applicants own

cost.

If an existing Private Hire Operator has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

Any New Applicant who has been granted or is awaiting a decision to be granted asylum or refugee status will not be required to produce a certificate from the country they are claiming asylum from; evidence of this must be provided. The NEW applicant will, however be required to obtain a certificate from any other country they have lived.

Where a person has spent three months or more, on active service, or any similar deployments abroad as a member of the British Armed Forces, then they will be exempt from the requirement to provide a Certificate of Good Conduct.

If an existing driver/operator has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

4.8 Sub-contracting

Section 11 of the Deregulation Act 2015 allows private hire operator's to sub contract to each other across licensing boundaries. This will allow operators to work more flexibly and potentially grow their businesses. The triple licence requirement, that private hire operators are licensed within a district and must only use vehicles and drivers licensed by the same authority as their operator's licence, remains.

4.9 The Applicant's Premises

The applicant's premises MUST be within the Borough of Melton. Any premises maintained by the applicant for a private hire operator's licence may require planning permission for that usage. It is advised that applicants seek advice of the planning authority prior to making an application for a private hire operator's licence or commencing the use of premises under such a licence.

The grant of an operator's licence does not override the requirement for planning permission to allow the use of a premises as a private hire operator's base.

Premises failing to obtain or comply with planning permission where required may be liable to planning enforcement action.

However if the applicant proposes to allow members of the public to wait at the premises from which the applicant intends to operate, before granting the operator's licence, a Licensing Enforcement Officer, will inspect the premises to ensure that they are suitable for accommodating members of the public and are properly furnished.

4.10 Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit, premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- (d) Ensure that any telephone and internet facilities and radio equipment are maintained in a sound condition and that any defects are repaired promptly.

4.11 Processing the Application

Once a fully completed application form (including the fee) has been received by the Licensing Section accompanied by references and evidence of liaising with planning/planning approval (if necessary) any inspections or meetings, which are necessary, will take place between the applicant and the Licensing Enforcement Officer. Once the Licensing Enforcement Officer is satisfied that the applicant is a fit and proper person, the Licensing Section will issue the licence. The licence will last for 5 years.

The Licensing Sub-Committee will hear any applications referred as a result of using the Enforcement, Convictions Scheme and Penalty Points Policy (Section 5), concerns over financial irregularities or where the Licensing Enforcement Officer considers that the applicant is not a fit and proper person.

The Council will aim to process an application within 10 days of receipt if all the satisfactory additional supporting information has been received (e.g. subject access search/statutory declaration, references, planning consent, including financial etc.).

Successful applicants will have their licence granted by the Licensing Section subject to the standard terms and conditions plus any additional conditions which members may deem necessary.

4.12 Renewal of Licence

The Operator's licence must be renewed in the fifth year. The form, together with the appropriate licence fee and documentation must be submitted to the Licensing Section at least **10 working days** prior to the expiry of the current licence.

Providing there have been no serious breaches of the licence conditions in the lifetime of the previous licence then the licence will normally be renewed by the Licensing Section. If there has been a serious breach of the licence conditions then the application will be referred to the Licensing Sub-Committee for consideration.

If an existing licensee fails to renew their licence prior to its expiry, then the Council shall not renew the licence but the person/organisation concerned will have to submit a new application. Including a new Statutory Dec/Basic Disclosure check, and new character references which might mean you cannot work for a period of time.

The Council has power to revoke or suspend an operator's licence for any offence under, or non-compliance with, Part II of the 1976 Act, for any conduct on the part of the operator which appears to the Council to render him unfit to hold an operator's licence, for any material change in any of the circumstances of the operator on the basis of which the licence was granted.

4.13 Conditions of Licence

If any of the conditions contained in this Licence are breached, penalty points may be awarded under Section 5 of the Policy, which may result in the suspension or revocation of the licence.

The Private Hire Operator must be aware of the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Other legislation may also affect the operator business. For example, some of the provisions of the Town and Country Planning Act 1990 and the Health and Safety at Work, etc. Act 1974 may be applicable. The responsibility is that of the Operator to check the extent to which your business is affected by these provisions and comply with them.

The applicant will be expected to demonstrate an understanding of the standard conditions that apply to an operator's licence prior to a licence being issued. All Private Hire Operators licences granted by the Council are subject to the standard conditions. These must be complied with at all times and failure to do so may result in the Operator's licence being suspended, revoked or a renewal application being refused.

In addition to the standard conditions the Council may also impose specific conditions where it feels they are necessary. These could relate personally to the Operator or to the Operator's premises. As with the standard conditions the Operator is expected to comply with them at all times.

Authorised officers will carry out checks periodically on operators in order to ensure compliance with the licence conditions. If non-compliance with the conditions is identified then enforcement action will be taken in accordance with the Enforcement, Convictions Scheme and Penalty Points Policy. The results of these checks will be recorded and considered when an operator applies to renew the licence.

Licences are usually granted for **5 years** maximum or such period as decided by the Council. The Operator must advise us, in writing, during the life of the licence if;

- an owner driver of a private hire vehicle starts or leaves their business, where permission has been given to use their operator's licence.

4.14 YOUR DUTIES AS AN OPERATOR

4.14.1 Vehicles

Each Private Hire Vehicle that is operated under the terms of the licence must be licensed by Melton Borough Council under the (Miscellaneous Provisions Act 1976) and be insured for the purposes of private hire or reward. The Council will not accept insurance for a private hire vehicle that states it has 'public hire'

insurance.

You must do as much as you reasonably can to make sure that vehicles that you operate always meet the requirements of the Hackney Carriage and Private Hire Licensing Policy.

4.14.2 Drivers

The Operator must only use drivers who are licensed by Melton Borough Council under the Act.

You must do as much as you can to make sure that drivers who drive vehicles operated by you, know and comply with conditions within the Hackney Carriage and Private Hire Licensing Policy.

You must do as much as you can to make sure that drivers who drive vehicles operated by you do not ply for hire or pick up or set down passengers at hackney carriage stands or anywhere that may cause a collision or an obstruction.

You must do as much as you can to ensure that drivers who drive vehicles operated by you are fit to drive.

4.14.3 Radio

The operator may require an appropriate licence if a radio system is in operation. The radio equipment that you operate must be properly maintained. It must comply with all Government guidelines regulating the use of such equipment and must not interfere with other radio or telecommunications equipment.

4.14.4 Nuisance

You must make sure that your business does not cause a nuisance to or annoy anyone who lives nearby your premises.

4.14.5 Fares for vehicles with meters/taxi meters

You must ensure that the fares table for the vehicle can be easily seen by passengers and send a copy of the fares table to the Licensing Officer. If you make any amendments or variations to the fares table, you must send a copy to the Licensing Officer within 10 working days of such changes being made.

4.14.6 Fares for Vehicles without Meters

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired.

If a Mobile App or other electronic device is used to set a tariff for the journey, then the means of setting that tariff should be visibly displayed in the vehicle.

4.14.7 Advance bookings

When one of your vehicles has been hired in advance you must make sure that it does not arrive at the pick-up point late unless something unavoidable has happened to delay or prevent it from reaching the pick-up point.

4.15 Your Licence

The Council must be satisfied that the proposed name of the applicant's company is suitable and does not conflict with existing licensed operators.

The licence is the property of the Council and you must return it to the Council immediately if it is asked for or if you wish to surrender it.

4.16 Records that you must keep

Operator's licence

You must keep a copy of your Operator's Licence at the premises at all times.

Bookings

You or your staff must only accept bookings at the premises from which you are licensed to operate.

You must record the details about every booking made BEFORE the booked journey starts. The following must be recorded;

- the name and where possible the address of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle;
- any other remarks, including details of any sub-contracting of the booking;

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

If you operate from more than one premise's, a record of **every** booking must be kept available for inspection at each premise, regardless of which premises received the booking.

If the records are compiled on a computer then they must be capable of being immediately printed onto paper if requested by an authorised officer or police officer. Any records kept on computer must not be capable of retrospective alteration or amendment.

You must keep all these records for at least six months from the date that the booking was taken. If a police officer or an authorised officer asks you to keep these records for longer than this, then you must do so. Any such request must be made in writing.

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

Vehicle details

You must keep the following details about each vehicle that you operate:

- The name and address of the owner of the vehicle.
- The name and address of the person who holds the vehicle licence.
- The expiry date of the vehicle licence.
- The registration number of the vehicle.
- The make, type and colour of the vehicle.
- The plate number of the vehicle and
- A copy of the current insurance certificate for the vehicle.

Driver details

You must keep the following details about each driver that you employ:-

- Their name and address.
- Their badge number.
- Their driving licence number and
- A copy of their licence to drive a Private Hire Vehicle.

4.17 Keeping the council informed

Changes in your details

Note: Once a licence has been granted, your circumstances may change and these may influence whether you are still eligible to hold a licence. A Private Hire Operators licence is non-transferable.

You must inform the Licensing Section in writing within 10 working days of the following changes in your circumstances:-

- Any criminal charges for driving or non-driving offences made against you during the currency of the licence.
- Any convictions for driving or non-driving offences during the currency of the licence.
- Any formal cautions for driving or non-driving offences during the currency of the licence.
- Any driving disqualification made against you during the currency of the licence.
- Any Mental Health Order imposed on you during the currency of the licence.
- Any Sexual Offences Order imposed on you during the currency of the licence.
- Any penalty points incurred on your DVLA driving licence.
- Any bankruptcy order or voluntary arrangement made against you.
- Any disqualification under the Companies Act 1985.
- Any winding up, administration, receivership or liquidation.
- Any County Court judgements.
- The vehicles that you use.
- Your home or the registered office address

Any changes in the following must be notified in writing to the Licensing Officer at least ten working days in advance of such changes:-

- Change of its telephone number.

The applicant must submit details of every telephone number proposed to be used in connection with the Operator's business. If the Council believes that any of the numbers proposed conflict with those of existing operators and could therefore confuse members of the public, then the applicant will be advised that those numbers cannot be used and must abide by this decision if the licence is to be granted. Any new telephone number must not be used until the Council has granted written approval to the operator to do so.

- Change of company name

The operator shall apply in writing to the Council if they wish to change or add to the name of their Company. Any new name must not be used until the Council has granted written approval to the operator.

Any changes in the following must be notified in writing to the Licensing Officer at least **10 working** days in advance of such changes:-

- The ownership of the business including dissolution of any partnership

Where there is a change in the ownership or controlling interest of the company, notification must be made to the Council at least **10 working days** in advance of the proposed change. The new owner or responsible person is required to submit an application for an operator's licence (whether or not the operating name remains the same). The application will be determined in accordance with this Policy.

Failure to give the Council adequate notice of any change in ownership may mean that the business cannot continue to operate until the Council is satisfied that the new owner is a 'fit and proper' person.

Change of Premises/Additional Premises

Please be aware that although not all premises maintained by the applicant for a private hire operator's licence will require planning permission for that usage. It is advised that applicants liaise with the planning authority prior to making an application for a private hire operator's licence or commencing the use of a premises under such a licence.

The grant of an operator's licence does not override the requirement for planning permission to allow the use of a premise as a private hire operators base.

Premises failing to obtain or comply with planning permission where required may be liable to planning enforcement action.

The applicant's premises **MUST** be within the Borough of Melton.

Subject to approval being granted, the address of the new premises will be noted and a new licence will be issued on request.

Losing your licence

If the Private Hire Operators licence document is lost, the Council must be informed in writing as soon as practicable. A fee is payable for a replacement.

4.18 Complaints

If the Council receives any complaint regarding the conduct of the private hire operator, the staff or the drivers you must co-operate with the investigation and provide such reasonable assistance to the Licensing Officer or the Enforcement Officers as requested.

All persons making a complaint to the Operator shall be informed of the telephone number and address of the Council.

4.19 Incidents/Damage to vehicles

If one of the vehicles which you operate is damaged and the damage affects the safety of the vehicle, its performance, appearance or its comfort and convenience to passengers, then you must let the Council know as soon as possible and no later than three days (72 hours) after the damage has occurred. An authorised officer or a police officer can suspend the vehicle licence until the damage is repaired to the satisfaction of the authorised officer or mechanics authorised by the Council to test the vehicle.

4.20 Authorised officers

Production of documents

An authorised officer or a police officer can, at any reasonable time, ask to see your licence, or any of the records that you are required to keep and which are detailed in this section.

Obstruction of authorised officers

If you deliberately obstruct an authorised officer or a police officer or fail to comply with any request made by such an officer without any good reason you can be prosecuted. You can also be prosecuted if you tell an authorised officer or a police officer anything, which you know is not true when you are being questioned by them.

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Enforcement, Convictions Scheme and Penalty Points

Enforcement, Convictions Scheme and Penalty Points

5.1. Introduction

The purpose of this section of the Policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a hackney carriage /private hire driver or private hire operator's licence.

Whilst criminal convictions play a significant part in the Council's determination as to whether an individual is 'fit and proper', the Council will also take into account other factors such as demeanor, general character, non-criminal behaviour, driving abilities and other information from other bodies such as the Police.

This Policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of licence.

The overriding aim of the Council in carrying out its licensing function is to protect the safety of the public.

The Council is concerned to ensure

- That an applicant is a fit and proper person, which would include the following;
- That the person does not pose a threat to the public.
- That the public are safeguarded from a dishonest person.
- The safeguarding of children and young persons and the vulnerable.

Each case will be considered on its individual merits and, in exceptional circumstances the Council may depart from the guidelines.

The sanctions that are available to be applied are to suspend, revoke, and in the case of a grant or a renewal application, refuse to renew the licence.

In addition, where a licensed drivers accumulates 9 or more points on their DVLA driving licence, or where complaints about the standard of driving are received the Council may require the driver to undertake a practical driving test as an alternative to attending a Licensing Sub – Committee hearing at which their fitness to continue to hold a licence would be considered.

5.2 General policy

A person with a conviction(s) need not be automatically barred from obtaining or retaining a licence, but would normally be expected to:

- Remain free of conviction for an appropriate period; and/or
- Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

In the case of new/existing licence holders, the Council, will take into account the Enforcement, Convictions Scheme and Penalty Points Policy in respect of whether a licence would be granted/renewed.

Sections 60 - 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a licence.

Where an applicant or existing driver/operator has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction.

5.3 Appeals

Any applicant refused a driver or operator's licence on the grounds that the Licensing authority is not satisfied he is a fit and proper person to hold such a Licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s52].

Powers

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

5.4 Consideration of disclosed criminal history

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a hackney carriage,

Hackney Carriage proprietor, private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

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

Driver licence holders must declare any convictions, (including spent convictions, and motoring convictions).

Licence holders are required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

Any applicant or licence holder who has been arrested or charged, but not convicted for an offence that suggests they could be a danger to the public, then the licensing authority will still consider that as part of the applicants / licence holders history.

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

Any person driving the public will be expected to have the highest standard of driving skills. The council will take into account all convictions for driving offences and any information or evidence that driving skills fall below these high standards. Applicants and drivers may be required to take a Driving Skills test in certain circumstances.

Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Council on 01664 502502 and asking to

speak to the licensing section in confidence for advice.

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

Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense.

More information about the Disclosure Barring Service can be found by searching for Disclosure and Barring Service at:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

The Council is entitled to use other records and information that may be available, in determining applications or an entitlement to continue holding a licence.

It is an offence for any person to make a false declaration or to omit any material, particular in giving information required by the application for a licence, and /or will normally result in a refusal.

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a fit and proper person.

5.5 Criminality checks for Vehicle Proprietors

A basic disclosure from the DBS for Vehicle Proprietors who are not licensed drivers or Private hire operators and that check is undertaken annually.

Any individual applicant or licence holder with a conviction for offences provided in Assessment of previous convictions, other than those relating to driving, should meet the 'fit and proper' threshold.

5.6 Assessment of Previous Convictions

Each case is considered on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.

Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not normally be licensed.

Exploitation

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

Offences involving violence

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not normally be granted.

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

Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply or production of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

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

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence.

However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

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

Where an applicant has a conviction for drink driving or driving under the influence

of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Insurance offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided they have been free of conviction for 3 years, however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.

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

Outstanding charges or summonses

If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made at committee.

If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect

when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

Non-conviction information

If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.

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

Cautions

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

Licensing offences

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

Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

5.7 Licences issued by other licensing authorities

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

5.8 Summary

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed.

While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability as a fit and proper person to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.

5.9 Penalty point scheme

Introduction

The purpose of this policy is to provide guidance on the application of the penalty points system.

The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

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

General policy

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

Penalty points will be applied by the Council when satisfied that a breach has been identified by means of written notice being given to the licensee setting out the number of points that have been applied.

Points issued to either the owner of a vehicle, operator or driver will be confirmed in writing within 10 working days from the date of the decision. Any penalty points that are awarded will be recorded on the relevant computer record. Normally, the maximum tariff will be applied, but where there are mitigating circumstances, a lesser number of penalty points may be issued.

Where an individual licensee reaches 12 penalty points, in a rolling 36 month period, the matter will be referred to the Council's Licensing Sub Committee

for the Committee to consider that licensee's continued fitness to hold a licence.

Penalty points may be removed from the record after 12 months or following a Licensing Sub Committee hearing, where the Committee can decide to:

- (a) quash or reduce the penalty points;
- (b) confirm the penalty points; or
- (c) increase the penalty points based upon the evidence.

The aim of the scheme is to identify those licensees who repeatedly breach conditions or byelaws, and is not intended as punitive, until and unless an individual accrues the 12 points necessary, to require a Licensing Sub Committee hearing.

Appeals

Any licensee who is awarded penalty points has the right of appeal, in respect of the individual points, to the Director for Growth & Regeneration (Place) up to 21 days after the confirmation notice is received. The decision to be made will be to;

- (a) quash or reduce the penalty points;
- (b) confirm the penalty points; or
- (c) increase the penalty points based upon the evidence.

If a Licensing Sub Committee choose sanctions such as suspension, revocation, or refusal to renew (in the case of a renewal application), there is a right of appeal to the Magistrates Court.

5.9.1 Penalty Points Table

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
1	Obstruction of an Authorised Officer or Police Officer wishing to examine a licensed vehicle	12	✓	✓
2	Failure to behave in a civil and orderly manner	12	✓	✓
3	Using a vehicle subject to a suspension order issued by an Authorised Officer or a Police Officer	12	✓	✓
4	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
5	Driver not holding a current DVLA licence	12	✓	✓
6	Using unlicensed vehicle or vehicle without insurance	12		✓
7	Carry more passengers than stated on the vehicle licence	12	✓	
8	Carrying an offensive weapon in the vehicle	12	✓	
9	Refusal to accept hiring without reasonable cause e.g. drunk or rude customer	12	✓	
10	Failure to give required mobility assistance	12	✓	✓
11	Failure to carry an assistance dog without requisite exemption	12	✓	✓
12	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	12	✓	

13	Failure to issue receipt on request	12	✓	
14	Driving while using a mobile phone	12	✓	
15	Plying for hire by Private Hire vehicle	9	✓	✓
16	Failing to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.	9	✓	✓
17	Failing to notify the issuing authority within 10 Working days of any other offence not listed at 16	6	✓	✓
18	Submission of false or misleading information to Regulatory Services of Melton Borough Council.	6	✓	✓
19	Unsatisfactory behaviour or conduct of driver	6	✓	
20	Failure to provide proof of insurance within 7 days	6	✓	✓
21	Displaying any feature on Private Hire vehicle that may suggest that it is a taxi	6		✓
22	Using a vehicle the appearance of which suggests that it is a taxi	6		✓
23	Failure to submit a licence renewal application including documents and attendance at a vehicle inspection	6	✓	✓
24	Failure to undergo the vehicle interim compliance test	6		✓

25	Using a non approved or non-calibrated taximeter	6	✓	✓
26	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
27	Failure to give assistance, when requested, with loading/unloading luggage to or from any building or place	6	✓	
28	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
29	Failure to notify in writing the Council of changes of address within 10 working days.	3	✓	✓
30	Failure to report to an authorised Officer within 72 hours an collision or damage to a licensed vehicle which would cause a vehicle to breach the licence conditions	3	✓	✓
31	Failure to display drivers badge	3	✓	
32	Failure to return vehicle licence plate within 10 working days after due notice, following expiry, revocation or suspension of such licence	3		✓
33	Fail to attend punctually to a fare at appointed time and place without sufficient cause	3	✓	✓
34	Use a licensed vehicle with a bald tyre	3 / tyre	✓	✓
35	Failure to use authorised roof light	3	✓	

36	Failure to hold current vehicle tax	3		✓
37	Failure to produce relevant documents within a reasonable time when requested by an authorised officer	3	✓	✓
38	Unsatisfactory condition of vehicle – Interior or Exterior	3	✓	✓
39	Failure to produce Hackney Carriage or Private Hire vehicle for testing or inspection when required	3	✓	✓
40	Misuse of taxi rank	3	✓	
41	Failure to display external or internal licence plate or signs as required	3	✓	✓
42	Failure to notify transfer of Hackney Carriage or Private Hire Licence	3		✓
43	Failure to carry an approved first aid kit	3	✓	✓
44	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle	3		✓
45	Evidence of smoking or using e cigarette in vehicle	3	✓	
46	Unsatisfactory appearance of driver	3	✓	
47	Failure to observe rank discipline	3	✓	
48	Failure to display fare/tariff card in vehicle	3	✓	✓
49	Failure to display Complaint card in vehicle	3		

			✓	✓
50	Misleading use of the words "Taxi" or "Cab" on advertising materials	3		✓
51	Failure to maintain records in a suitable form from the commencement to the cessation of work of each driver each day	3		✓
52	Failure to produce on request records of drivers work activity	3		✓
53	Failure to maintain proper records of Private Hire vehicle within 21 days	3		✓
54	Unlawful waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission)	3	✓	

Ticks indicate potential recipients of penalty points for infringements. N.B certain infringements may result in drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement; however each case must be determined on its own merits. Certain matters are specific to Hackney Carriages, Private Hire drivers or Private Hire operators.

APPLICATION GUIDANCE

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Application Guidance

This guidance includes information in respect of new drivers, renewal drivers and licensing a vehicle to be used as a private hire or a hackney carriage.

6.1 New Drivers

This guidance should be used by anyone wishing to obtain a combined Hackney Carriage/private hire vehicle driver's licence which will enable them to drive a hackney carriage vehicle or private hire vehicle licensed with the Borough of Melton. The licence is valid for three years.

To be able to apply for a licence, you must be;

- Able to read and write
- Have held a full driving licence (not a provisional) for at least 12 months
- Have a good knowledge of the Borough of Melton and surrounding areas
- You must be a fit and proper person
- Have the Right to Work in the UK.

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

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result

of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

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

This is a mandatory part of applying for/being granted, a hackney carriage / PHV driver licence

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulations (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website at <https://ico.org.uk/>

6.3 Knowledge Test -Guidance and Best Practice for Hackney Carriage/Private Hire Drivers Licence

In order to determine fitness to hold a licence, applicants for a driver's licence are required to pass a written knowledge test.

The purpose of this test is make sure that all applicants have a satisfactory knowledge of the Borough of Melton and surrounding areas, places of public interest and entertainment, major destinations such as hospitals, supermarkets

etc. and the routes to nearby villages.

You will also be tested on your knowledge of the Councils licensing conditions, together with customer care basic numeracy, and the ability to read, understand and write English. Example questions, Terms and Conditions and further guidance are available on the Councils web site page

When will I know the result?

Applicants will be given the result of the written test at the end.

What if I fail?

If an applicant fails the written paper, they will need to retake the test and pay the appropriate fee at time of re-booking. Each test will contain different questions.

Should you not pass after three attempts you will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to re-take the Knowledge Test.

Should an applicant appear to be experiencing difficulty in completing the test Officers will seek to ascertain why. Facilities will be made available if an applicant is dyslexic for example, (provided medical proof is available) for the applicant to take the test with two licensing staff where the test is delivered verbally by one officer, rather than written, with the candidates answers being recorded by the second officer. If due to a language barrier, the applicant will be advised to seek a better understanding of English before continuing to re-sit the test, e.g. completing an English speaking course.

Applicants who fail to keep a test appointment or who arrive late will not be permitted to sit the test, the test fee will not be refunded and it will be treated as a failure.

To assist in preparation for the test, you are advised to study;

- The Council's Hackney Carriage and Private Hire licensing policy
- Street guides for the Melton Borough Area.
- Basic numeracy
- Knowledge Test Guidance -Customer Care
- Melton Borough Council – Byelaws Hackney Carriages.
- The Highway Code

Best Practice/Advisory Notes for the Knowledge Test.

Private hire vehicles must be booked via an operator. A private hire vehicle driver is not allowed to use his radio to book a customer a private hire vehicle. All bookings must go through the operator base and be made by the actual person wishing to hire the private hire vehicle.

Should you lose or misplace your hackney carriage/private hire driver's licence or your vehicle licence you need to report the loss to the Council's Licensing Section immediately and purchase a replacement.

Your **DBS** Check is required to be checked every 6 months once you are a licensed Hackney Carriage/Private hire driver.

Subscription to the DBS Update service is required as a condition of the licence.

The Council does accept criminal record checks from other organisational bodies, such as Leicester City, provided they are the original Enhanced and no more than 3 months old and have been processed in relation to the child and adult workforce employment position (as specified on the disclosure).

It is a condition of licence that **all** new and renewing drivers should subscribe to the DBS Update Service.

You cannot carry more passengers in the vehicle than the number specified on your vehicle licence plate and licence.

Before starting work a driver should check that the vehicle they are driving is safe; tyres, lights, seats, general maintenance, oil, windscreen wipers, wash fluid and that the vehicle is carrying all the required items under the Hackney Carriage/Private hire vehicle policy.

The driver should also check that they have their combined Hackney Carriage / private hire driver's licence badges with them and that it is displayed at all times.

A hackney carriage cannot charge more than the metered fare for a journey within the borough irrespective of how that was arranged (rank, hailed or pre-booked).

Before the start of a hiring for a journey which ends outside the district agreement can be made to pay an amount which is more than the metered fare but if no

agreement is made only the metered fare can be charged.

Hackney carriage drivers, can when working, offer a discount on the metered fare (within or outside the district) as long as it is less than the hackney tariff set by Melton Borough Council.

Only a Melton licensed hackney carriage/private hire vehicle driver can drive Melton licensed vehicle. All signs on the hackney carriage/private hire must be self-adhesive.

No magnetic signs are acceptable. Magnetic door signs may be used on an exempt vehicle. Magnetic door signs may be used on a temporary lease car licensed by Melton Borough Council, provided that the Council has given prior written approval.

As the driver of the vehicle you are responsible for securing a wheelchair passenger in a licensed vehicle.

Customer Care

When carrying a disabled passenger, one of the most important things to do, is talk to your passenger to find out if any assistance is needed and if yes, provide it to the best of your ability.

If another motorist cuts across your path forcing you to brake, whilst carrying a passenger, the first action you should take is check that your passenger is safe and all right.

If a passenger requests a receipt you should write on the receipt, name of business, date, fare, where to and from and your signature as driver before handing it to them.

You should not carry a wheelchair in a hackney carriage vehicle sideways. 'Medical Devices Agency' states wheelchair users should not travel with the wheelchair sideways.

When you have a wheelchair passenger on board your licensed vehicle you should drive smoothly and progressively, avoiding sharp cornering, hard braking and sudden acceleration.

If you are requested to pick up a person from their home, on arrival, you should go to their door, as they may have hearing difficulties, mobility problems or be elderly and require your assistance.

If you arrive at your next pick up and you see that the passenger is in a wheelchair, which won't fit in your vehicle, you need to explain the situation to the passenger, contact your operator and request that a larger vehicle be sent as soon as possible. If a suitable vehicle is not available the operator will need to contact another operator and see if they have a suitable vehicle available.

You have taken your passenger by the most direct route to their destination and when you request the fare, the passenger states that they think you have overcharged them. You must assure the passenger that this is the correct fare by showing them the meter, ask for the fare to be paid and provide them with contact details of your operator and licensing authority should they wish to complain.

You have a booking in the next 10 minutes from a home address and due to heavy traffic you are likely to be late. You should contact your operator and advise them that you are possibly going to be late and request they contact the customer and advise them of the facts.

Your next pick up is from a customer's house. You arrive at the house and it is in darkness and looks empty, what should you do? You should park the vehicle, go to the house and knock and wait for an answer.

You arrive at your pick up to discover that there are 5 passengers whilst your vehicle is only licensed for 4, what should you do? You should explain the situation to your passengers that your vehicle is only licensed for 4, and offer to call for a larger vehicle or a second vehicle from your operator. Contact your operator and explain the situation to them.

6.4 Practical Driving Test

There are two current providers for the practical driving test

1. 'Blue Lamp Trust (Services) Ltd 'who for enquiries, can be contacted on 0333 700 0157. Please follow this link:

https://www.bluelamptrust.org.uk/taxi_homepage/

2. 'iamroadsmart' who for enquiries, can be contacted on 0870 120 2910 Please follow this link:

<http://www.iamroadsmart.com>

A summary of the requirements of the test are;

- approximately an hour in length,
- consist of a question and answer section.
- involves a practical driving test, which will include specific manoeuvres.
- Proof of identification documents and your DVLA driving licence
- Eyesight test.
- Cost is paid by the driver and applicants deal directly with the provider.

The certificate received from the Blue Lamp Trust will be deemed valid for 12

months from the date of passing. This can be uploaded via the Councils web site.

6.5 DBS Update service

The DBS update Service is an online subscription that allows individuals to keep their enhanced DBS certificate up to date and allows regulators to check a certificate online. This subscription service allows taxi and private hire drivers licensing authorities (as a nominee with the individuals written consent) to check the status of a certificate online at any time. Subscription to the service removes the need for repeat checks, reduces the administrative burden and mitigates potential delays in re-licensing. This costs less than a new DBS check and allows the Council to carry out the check immediately.

It is a condition upon the **grant of a new licence** that all drivers are required to subscribe to the DBS update service.

It is a condition of licence that **all existing drivers on renewing their DBS** are required to subscribe to the DBS update service.

All new and renewing Drivers **MUST** enrol on the DBS update service **within 28 days** of the date of their disclosure certificate.

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

6.6 Certificate of Good Conduct (residency outside the UK)

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. This is in addition to the Enhanced DBS requirement.

Any driver who has lived abroad will be required to provide a Certificate of Good Conduct from the embassy of every country where they have lived other than the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be translated into English at the applicants own cost.

A licence will not be granted or renewed in the absence of a current Certificate of Good Conduct.

Where a person has spent three months or more, on active service, or any similar deployments abroad as a member of the British Armed Forces, then they will be exempt from the requirement to provide a Certificate of Good Conduct but will

require a reference from a commanding officer authorised to provide the same.

If an existing driver has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

6.7 Safeguarding Awareness Training

Every driver should undergo Safeguarding Vulnerable Passenger Training before a licence is issued.

The Safeguarding eLearning Course is accessible via a link on the Councils website.

The course consists of 3 twenty minute modules. You need to pass each module to pass the course successfully. On passing the complete course you receive a personalised certificate which you **MUST** email into the licensing section at licensing@melton.gov.uk

Where an applicant, has undertaken a similar safeguarding awareness training course, written details must be provided of the course, along with written confirmation of attendance. The Regulatory Services Manager will consider the contents of both courses and whether the completed course is an acceptable alternative.

No licence will be issued without attending the course and satisfactorily passing the test.

6.8 Medical

The medical certificate must be produced to the Council. Should the medical certificate be returned to the GP due to an error the licensing section will notify you. It is your responsibility to ensure that a correct medical certificate is resubmitted in a timely manner to complete your application. Such certification must be less than three months old.

Holders of a Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licence, where the holder is able to produce proof of a current medical examination, less than 3 months old, which has been completed with their own doctor can use the same medical examination for his hackney carriage/private hire licence

If there is any doubt that a driver remains medically fit, the Council may require the applicant to undergo further medical examination at the applicants own expense.

No licence shall be issued until medical clearance has been established.

A licence application will not be accepted / processed unless all elements of the application process have been completed.

Insulin Treated Diabetes

You are reminded that a licensed driver is responsible for informing the licensing section of any changes to their health, which includes diabetes. The Group Two Medical form currently asks if a driver is treated with tablets carrying hypoglycemia risk or insulin injections.

If diagnosed as requiring treatment by injected insulin or tablets, carrying hypoglycaemia risk, the driver will need to inform the Council as soon as possible and provide written confirmation (in addition to this medical report) from their Doctor or Diabetic Nurse/Consultant of;

- the date of being diagnosed;
- that there has not been any severe hypoglycaemic event in the previous 12 months (the law defines 'severe 'as an episode of hypoglycaemia requiring the assistance of another person);
- the driver has full hypoglycaemic awareness;
- the driver must show adequate control of the condition by regular blood glucose monitoring(must use a glucose meter with sufficient memory to store 3 months of readings), at least twice daily and at times relevant to driving;
- the driver must demonstrate an understanding of the risks of hypoglycaemia and
- there are no other declaring complications of diabetes.

Licensees diagnosed as requiring treatment by insulin, or tablets carrying hypoglycaemia risk, will be required to submit to the Licensing Authority on an **annual basis** the following;

A medical report/letter from their doctor or Diabetic Nurse/Consultant confirming;

(a)that during the preceding 12 months the licensee has not suffered a hypoglycaemic episode requiring assistance whilst driving and

(b) the licensee has a history of responsible diabetic control, and is at minimal risk of a hypoglycemic attack.

6.9 Renewal Applications for Drivers

A driver's licence is valid for 3 years. Approximately 8 weeks prior to expiry a renewal application form and reminder will be sent.

Drivers Licences

Application forms, supporting documents and appropriate fees must be submitted at **least 10 working days** prior to the expiry of the previous licence.

To ensure that you are able to provide your DBS Certificate, you need to apply for your Disclosure Barring Service Certificate at **least 6 weeks** before your licence renewal is due. It is a condition of licence that on renewal you register for the update service which needs to be completed within **28 days** of the receipt of certificate. (see below).

A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy.

If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been issued and received. Any subsequent application will be treated as a new application and drivers will be required to meet the standards required of a new driver, including complete knowledge test.

On renewal you will need to bring the following with you;

- application form
- One passport photograph
- DVLA licence (and a recent utility bill if the address on your driver's licence has recently changed)
- DVLA / DBS Mandate with consent.
- Disclosure & Barring certificate(until or unless subscribed with the DBS update service) and Certificate of Good Conduct (if required)
- Medical, Group Two requirement, form to be completed by own Doctor (see advice for above for diabetes if appropriate).
- Right to Work relevant Identification documents.

<https://www.gov.uk/criminal-record-check-documents>

- The appropriate fee – Debit cards or cheques payable to Melton Borough Council. Cash payments are not accepted.

Application Form

The application form is intended to help you provide your personal details and guide you through the application process alongside these guidance notes.

DVLA Licence

You need to provide your full driving licence (not a provisional licence) **each time you renew**. A copy of this licence will be taken on each renewal application and you will be asked to complete and submit the DVLA data protection mandate and consent.

DVLA / DBS – Data Protection Mandate

This form is to be completed by an applicant, to confirm their entitlement to drive. It must be filled in and signed in all cases by the driver. Forms not completed correctly or not signed will not be accepted and may delay your application.

Payment of the appropriate fee will need to be paid at the time of initial submission. The mandate lasts for 3 years.

The DVLA Mandate gives consent to the Council to check the applicant's driving licence & DBS record for three years.

With effect from the introduction of this policy, the Licensing Section will check the applicants DVLA record annually and the DBS bi-annually.

Disclosure and Barring Service (DBS)

All renewing Drivers **MUST** enroll on the DBS update service **within 28 days** of the date of their disclosure certificate if not already done so.

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

Standard Conditions attached to the
grant of a
Motor Tricycle Special Vehicle Licence

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7 Standard Conditions for a Motor Tricycle Special Vehicle Licence

7.1 Type of vehicle

The vehicle must hold 'European Whole Vehicle Type Approval' and must be maintained in its standard manufactured form. Any modification or adaptation must be made by the manufacturer who must attain 'European Whole Vehicle Type Approval' in the vehicles modified or adapted form.

A vehicle licence will not normally be granted if it has sustained collision damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, S, and N).

Once a vehicle has been inspected and a licence granted, it shall be maintained in that form and condition including continued compliance with condition 1b relative to collision damage. No change in the specification, design or appearance of the vehicle or addition of any bodywork or accessories shall be made within the duration of the licence without prior written approval of the Council.

The vehicle must have a Maximum net power output not less than 57Kw. The engine must be the manufacturer's standard type and design and must not be modified or adapted in any way to exceed standard power, emission or noise output.

The vehicle will be equipped with passenger head restraints as part of its standard design and construction and the component parts must be provided as standard equipment factory fitted by the vehicle manufacturer.

The vehicle must be equipped with side restraints as part of its standard design and construction and the component parts must be provided as standard equipment factory fitted by the vehicle manufacturer.

The vehicle must be equipped with a passenger forward restraint bar as part of its standard design and construction which locks in place across the front of passengers while being transported and the component parts must be provided as standard equipment factory fitted by the vehicle manufacturer.

Suitable 'foot plates' are to be fitted to the frame work of the Motor Tricycle where passengers are expected to tread or rest their feet while mounting, dis-mounting or being transported on the vehicle. The foot plates must prevent the feet & ankles of passengers passing through the vehicle framework. They should provide a 'non-slip' surface and should not introduce any trip hazard or sharp edges. The foot plates must be fabricated and fitted to acceptable engineering industry standards and approved by Authorised

Officers of the Council.

The vehicle shall be fitted with suitable seatbelts/lap belts which meet approved BSI standards to provide additional level of safety and to prevent 'submarining'. The anchorage points must be mounted on the main framework of the vehicle and fitted in line with product specification to acceptable engineering industry standards and approved by Authorised Officer of the Council.

First Aid Kits must be carried in all vehicles and must be suitable for treating minor injuries and should comply with advice of the Health and Safety Executive as a minimum. This must be readily available to the driver at all times.

The First aid kit must be marked clearly with either the registration number or vehicle licence plate number of the vehicle.

7.2 Age criteria

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 registration document (Log Book). A vehicle will only be accepted for licensing if it is less than 5 years old from the date of application. Vehicles can continue to be licensed until they are 10 years old so as long as they continue to meet the specifications.

A vehicle licence expires 12 calendar months from the date of issue. Any application for renewal should be made prior to the licence expiry date. Failure to renew prior to the expiry of a licence will result in the vehicle being unable to be used as a hackney carriage or private hire vehicle until such time as a new application has been made and a licence granted and issued. Such applications must comply with taxi policy requirements to licence a new vehicle.

All renewal applications must be submitted together with valid supporting documents and necessary fee, no earlier than 30 days but not later than 5 days before expiry date.

Other than in exceptional circumstances, if a vehicle licence is allowed to expire the full application process must be treated as a new application.

Once a vehicle has been inspected and a licence granted, it shall be maintained in that form and condition including continued compliance with Conditions relative to collision damage. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written

approval of the Council.

7.3 Number of passengers

The private hire Motor Tricycle vehicle shall carry no more than 3 passengers at any one time regardless of designed passenger carrying capacity. This will allow for no more than one driver, two adult passengers and 1 Child passenger (Subject to a minimum Height restriction of 135 cm and the ability to reach the footrest to be checked at pre-booking and at the induction) being transported on the vehicle for the purpose of a private hire service.

7.4 Inspection and testing

Motor Tricycle Special Vehicles will be subject to an annual compliance test by one of the Council's approved garages. All vehicles over 3 years old will be subject to 2 compliance tests per year, 6 months apart. The vehicle test will meet the specifications set out in this Appendix and in the vehicle inspection form.

In addition each vehicle may be subject to an inspection by an Authorised Officer. This inspection will ensure that the vehicle meets the standards between compliance tests. Any vehicle found not to be of the required standard may be suspended.

Authorised Officers may carry out roadside checks at any time. If a vehicle is found to be defective in any respect a Vehicle Defect notice may be issued. If the defects are not rectified as required in the defect notice within two months the licence will be deemed to be revoked, unless there are exceptional circumstances.

Melton Borough Council may carry out further checks together with Police and VOSA or any other agency.

The Council will, from time to time, review the compliance and formal inspection forms used by inspectors.

Notwithstanding this policy the Council may request up to 3 formal inspections at an approved garage at any time during a 12 month period.

The costs of compliance tests at one of the Council's approved garages will be borne by the proprietor of the vehicle.

7.5 Signs and markings

Vehicles shall, at all times, display the external and internal plate supplied by the Council.

The proprietor must provide a suitable weather proof licence holder to

ensure the internal plate is protected, maintained and legible at all times.

In addition to this Private Hire vehicles shall display the door stickers. The rear plate must be securely fixed to the rear of the vehicle (magnetic or adhesive fixing is not permitted).

Advertising shall be restricted to the minimum of the proprietor's company logo/name and telephone number etc on Private Hire Vehicles.

7.6 Communication Equipment

Radio or other data communication equipment for use in the communication of bookings from the Private Hire Operators base station cannot be fitted.

All bookings are for exceptional events and must take place in a formal manner including the exchange of a written contract and acceptance prior to the commencement of a journey

The carrying or use of scanning equipment is not permitted within a licensed vehicle.

The vehicle will be equipped with two way radio communication equipment (with headsets) which allows constant means of communicating between the driver and passengers throughout the duration of a journey.

7.7 General condition, cleanliness and appearance of vehicle

Every vehicle shall be maintained in a safe and pristine condition at all times and be subject to such examinations as are required by the Council.

Seats must be maintained to a standard commensurate with passengers reasonable expectations and should remain comfortable, free of stains, tears, cigarette burns or repair, and not threadbare.

Luggage and storage areas must be kept as free space for passenger's luggage.

The driver of a licensed Motor Tricycle shall, at the request of an Authorised Officer of the Council or a Police Constable, stop the vehicle, whether or not passengers are being carried, to enable it to be checked for compliance with all the Conditions of the vehicle, driver and Operator licences granted by the Council and relevant legislation and shall not proceed until the Authorised Officer or Constable has given approval.

7.8 Incident reporting

Any incident causing damage materially affecting the safety, performance or appearance of the vehicle must be reported to the Council within 72 hours of the incident.

An Authorised Officer may either suspend the use of the vehicle until it is repaired and conforms to the requirements of this Policy or agree a timescale with the proprietor for repairs to the vehicle.

Replacement parts whether mechanical, body or trim, fittings or furnishings, will be supplied by the vehicle manufacturer.

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Additional Conditions attached to a Licence to Operate a Private Hire Motor Tricycle

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8 Additional Conditions attached to a Licence to Operate a Private Hire Motor Tricycle

8.1 Operator Licence

The Operators licence will have the same conditions as a standard Operators licence with the following additional conditions.

When operating a Motor Tricycle under the licence category of Special vehicle, The Operator licence precludes the acceptance of bookings of that vehicle for standard private hire journeys or working within the city centre or the night-time economy.

All bookings are for exceptional events and must take place in a formal manner including the exchange of a written contract and acceptance prior to the commencement of a journey.

8.2 Specified Vehicles

No licensed Operator shall operate any private hire Motor Tricycle vehicle other than those which have been listed by an Authorised Officer of the Licensing Authority on the Operator Vehicle Schedule (form OPVS). Any alteration to the form OPVS shall only be made by an Authorised Officer of the Licensing Authority.

Once licensed as a private hire Special vehicle a vehicle can only be driven by a driver who has a private hire driver licence for this type of vehicle and the Operator may only use such a driver.

8.3 Standard of service

The Operator shall provide a prompt, efficient and reliable service to members of the public which at all times complies with all the Conditions associated to Private Hire Special vehicle Operators, drivers and vehicles and shall ensure that when a Private Hire special vehicle has been hired to be in attendance at an appropriate time and place, that vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that time and place.

Due to the passenger's exposure to the elements when being carried on this mode of transport, the Operator of the (Motor Tricycle) private hire vehicle must specify to any prospective passenger at the time of booking what suitable and safe clothing must be worn by passengers in order for a journey to take place. The clothing must not be loose fitting or liable to become detached or entangled during a journey and take account of sudden changes in weather conditions.

The operator of a Motor Tricycle private hire vehicle must produce for the approval of an Authorised Officer of the Council, a set of documented safety instructions that will be issued to any prospective passenger prior to the commencement of any journey.

8.4 Safety of Passengers / Risk Assessment

All risk assessments must be documented and retained by the licensed operator for inspection by Authorised Officer of the Council.

At the time of booking, the Operator of a Motor Tricycle must specify and advise any prospective customer;

- i. Maximum/ minimum height and weight of individual passenger in line with vehicle manufacturer guidance and recommendations .
- ii. Suitable clothing which must be worn for journey to take place.
- iii. Conditions that may be experienced throughout the duration of the journey.
- iv. Exposure to varying weather conditions.

In addition to personal clothing which may be worn by a passenger, the operator of a Motor Tricycle private hire vehicle must provide for each passenger suitable protective jacket, gloves, eye protection and helmet. The helmet must meet the current BSI approved standards and the hirer and passenger must be instructed that the helmet must be worn for the duration of the journey.

8.5 Radio Equipment

Radio or other data communication equipment for use in the communication of bookings from the private hire (Motor Tricycle) Operators base station cannot be fitted.

The Operator of a Motor Tricycle private hire vehicle must provide means of clear communication between the licensed driver and the passengers throughout the duration of the journey. (This may be by way of hardwired headsets or Radio wave/Bluetooth device).