

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

TABLE OF PROPOSED CHANGES
(Licensing & Regulatory Committee 06.11.2017)

Page & section	Additions or Exclusions	Reasoning
P3 – 1.1	<ul style="list-style-type: none"> • Immigration Act 2016 • Melton Borough Council Byelaws (appendix E) • Melton Borough Council's Constitution 	New legislation and omissions in previous policy
P6 – 2.4	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.	To tighten up the policy so as to make accurate assessment of vehicles at time of application / renewal. Some tests are not synchronised and can be up to 11 months old at renewal.
P7 – 2.7	In order to help achieve these duties, the Council will actively seek to encourage Proprietors and Operators, especially those with ten or more vehicles, to provide at least one vehicle which is fully wheelchair accessible, that is, 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. Specifications for wheelchair accessible vehicles can be found in Appendix A.	<p>We currently have only 1 fully wheelchair accessible vehicle available in the Borough.</p> <p>The Committee recommended by increasing the subsidy from 25% to 100% it is hoped to encourage more of this specific type of vehicle to be licensed</p> <p>There are difficulties as there is no 'Standard' Wheelchair so our specifications remain as they are..</p>
P8 – 2.11	<p>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.</p> <p>Other than in exceptional circumstances, if a vehicle licence is allowed to expire the full application process must be treated as a new application.</p>	To tighten up on the Policy to prevent too early or too late an application submission.
P10 – 3.6	An application and the appropriate fee for a drivers licence MUST be submitted to the Council either before / at the time of submission of a DBS (to justify running the DBS check). DBS forms will not be sent off without first commencing the application process.	Applications for just the Disclosure & Barring service are being submitted without the application fee and therefore no justification to request a DBS check. work is commencing with applications being withdrawn part way through the process .

P10 – 3.6	<p>From 1st April 2018 all drivers MUST subscribe to the DBS update service for new and renewal applications. This means that, with the Driver's permission, instant checks can be done electronically every three years from the date of original issue or where deemed necessary.</p> <p>It is the Drivers responsibility to make sure that the subscription is maintained. Failure to maintain the subscription will cause the certificate to expire and the full DBS process will have to be undertaken.</p>	<p>DBS checks are checked at 3 yearly intervals. Take up of the 'update service' is poor.</p> <p>Some Licence holders are not synchronised with their renewal dates creating additional administration time and costs.</p> <p>(See updated Criminal convictions policy Appendix B2)</p>
P12 – 4.4	<p>An operating centre is where bookings are taken and records are kept. The operator must inform the Council in writing of any change of this address (whether this is a home address or the address from which he/she operates).</p>	<p>To address issues with operators providing address of operating centre.</p>
P14 – 8.0	<p>In certain circumstances there is a right of appeal to the councils 'Appeals Committee'.</p>	<p>Omitted from previous Policy</p>
P15 - App A -1.0	<p>In line with developments in vehicle technology, vehicles will no longer be classified by Cubic capacity but by power output in Kw as defined in the vehicles V5C Registration Certificate All vehicles will be of a Maximum net power output not less than 57Kw.</p>	<p>Modern vehicle engine technology has increased the power of engines so that smaller cubic capacity and normally more economical / less polluting vehicles fall out of our policy. 57kW is a measure in line with popular 1300 cc vehicles and easily ascertained from the vehicle Registration document.</p>
P18 – App A – 8.0	<p>To meet the executive vehicle standards the vehicle must meet the European commission definition of an E or F segment vehicle and should be luxurious and best in class.</p> <p>The vehicle must be in pristine condition. Pristine means that there are no defects, dents or blemishes to the external bodywork or the internal trim and seating. The vehicle should be in, as near as possible, perfect condition.</p> <p>It is recommended that a Licensing & Compliance Officer is contacted for advice, prior to purchase of any vehicle where an exemption is sought.</p>	<p>Previously the Policy had a figure of £45,000 basic retail value (£30,000 for MPV)</p> <p>This was proving difficult to ascertain and barring suitable vehicles.</p> <p>The European Commissions vehicle segmentation is widely accepted and will still remain once the UK leaves the EU.</p>
P24 – App A – 27.0	<p>Incident Reporting</p> <p>Any incident causing damage materially</p>	<p>Changed from accident to Incident as some damage / incidents of note not reported to</p>

	<p>affecting the safety, performance or appearance of the vehicle must be reported to the Council within 72 hours of the incident.</p> <p>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.</p>	MBC.
P25 – App B – 3.0	<p>Driving Skills testing</p> <p>In certain circumstances drivers may be required to undertake a Driving Skills test. Examples of such circumstances are where an applicant has not held a European Driving Licence for 3 years or more, where the applicant or licensed driver has 9 or more points on their DVLA driving licence, where complaints of driving standards have been received or where drivers are intending to drive Special Event vehicles. Failure to achieve a pass will result in the licence being reviewed and may be expected to result in revocation or refusal of that licence. Any application for a licence following such a revocation or refusal will not be reconsidered for 12 months and then only with a Skills Test pass being achieved.</p>	<p>Driving Skills replaces DVSA which no longer run Taxi drivers testing.</p> <p>Private companies used by other authorities have similar standards.</p>
P25 – App B – 4.0	<p>Medical certificates must be dated within 30 days prior to the licence expiry date. A certificate of more than 30 days will not be accepted.</p>	<p>It was recognised that a loophole was available and that to accurately assess medical fitness it should be within 30 days of the application / renewal.</p>
P27 – App B – 8.0	<p>No more than the prescribed number of passengers shall be carried.</p> <p>n.b. A child is to be counted as a passenger no matter what age.</p> <p>In relation to the carriage of all passengers, including children, the requirements of all legislation must be complied with.</p> <p>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</p>	<p>The Policy referred to ‘Babe in arms’</p> <p>Exemption for HC / PH vehicles included.</p>

	<p>belt.</p> <p>Passengers must remain seated whilst the vehicle is in motion</p>	
<p>P28 – App B – 9.0</p>	<p>Right to Work</p> <p>The provisions in The Immigration Act 2016 amend existing licensing regimes to prevent people without lawful immigration status and the right to work from holding an operator or a PHV or taxi driver licence.</p> <p>The new provisions mean that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.</p> <p>Licensing authorities must discharge this duty by requiring the applicant to submit one of a number of prescribed documents which show that the applicant has permission to be in the UK and undertake work as an operator or a private hire or taxi driver. The check must be performed when the applicant first applies for a licence or first applies to renew or extend their licence whether for the full statutory term or a lesser period on or after 1 December 2016.</p> <p>For those who have limited permission to be in the UK, the licensing authority must repeat the check at each subsequent application to renew or extend the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK.</p> <p>Where a person's immigration permission to be in the UK is time-limited to less than the statutory length for a driver or operator licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK and work. In the event that the Home Office cuts short or ends a person's immigration permission (referred to as curtailment or revocation), any licence issued as a consequence of an application which was made on or after 1 December 2016, that the person holds will automatically lapse.</p> <p>The provisions also add immigration offences and penalties to the list of grounds on which</p>	<p>Immigration Act 2016 amend existing licensing regimes to prevent people without lawful immigration status and the right to work from holding an operator or a PHV or taxi driver licence.</p>

	<p>operator and private hire and taxi driver licences may be suspended or revoked by licensing authorities.</p> <p>In circumstances where the operator or driver licence expires, is revoked or suspended on immigration grounds, it must be returned to the issuing licence authority. Failure to return the licence will be a criminal offence, punishable on conviction in a Magistrates' Court by a fine</p>	
P28 – App B – 10.0	Drivers will be subject to suspension of their licence, if it expires unless it is proved to be out of their control.	Drivers are reminded to renew their licence well in advance, paragraph makes clear the consequences should they fail to renew.
P29 – App B – 10.0	Drivers are on new applications and subsequent renewals must subscribe to the DBS Update Service. This means that, with the Driver's permission, instant checks can be done and there will be no need for further DBS check every three years (see 3.6).	Confirming earlier amendment 3.6
P32 – App B(2)	New Criminal records policy	New Criminal records policy as advised by Welland audit report. Guidance and details of offences assist all in providing a fair and consistent approach to determination of licences.
P?? – App C - 3	An operating centre is where bookings are taken and records are kept.	See previous P12 – 4.4
P – App C – 5.0	<p>The premises from which an operator conducts his business must have planning permission for office and/or commercial use and inform the non domestic rates section of the Council.</p> <p>The operator must comply in all respects with the current Town Planning legislation.</p>	To cover all aspects in relation to operating a business.
P ? – App D – 4.0	<ul style="list-style-type: none"> • Immigration Act 2016 • Melton Borough Council Byelaws (appendix E) • Melton Borough Council's Constitution 	Added additional legislation
P – App D – 6.5	In certain circumstances there is a right of appeal to the councils 'Appeals Committee'.	Omitted from policy