



Havant
BOROUGH COUNCIL

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POLICY STATEMENT

HACKNEY CARRIAGE AND PRIVATE HIRE
LICENSING

2017

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1. INTRODUCTION

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

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

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

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

- Section 37 of the Town Police Clauses Act 1847
- Section 45 of the Local Government (Miscellaneous Provisions) Act 1976.
- Immigration Act 2016

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

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

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

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

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

2. ENFORCEMENT AND COMPLIANCE

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

2.2 The purpose of compliance and enforcement action is to:

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

2.3 The Licensing Enforcement Policy includes the provision to issue Penalty Points. The primary objective of the Penalty Points scheme is to improve the levels of compliance amongst licensed drivers, hackney carriage proprietors and private hire vehicle operators. The scheme will act as a record of a licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person.

For each substantiated complaint or offence one or more penalty points will be added to the individual's hackney carriage / private hire vehicle driver licence or private hire vehicle operator licence. This will depend on the seriousness of the offence and will be at the discretion of the Licensing Officer. Should a driver accumulate three points during a rolling twelve month period, consideration will be given to presenting them to the Licensing Committee to decide whether they remain a fit and proper person to continue to hold a licence.

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

- Offering advice, verbal warnings/requests for action, the use of letters and the issue of licensing inspection reports
- Suspension / revocation of licenses
- Issuing a Formal Caution
- Prosecution

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

2.6 Complaints regarding conduct which amount to allegations of Criminal offences or offences under the Road Traffic Acts should be reported to Hampshire Constabulary who are the primary authority for such matters. They will carry out any criminal investigation and then report to the Council for consideration of any further action that

may be required in line with the council enforcement policy. HBC Licensing will support the police and other agencies in investigating, preventing and detecting crime in line with the Councils agreed information sharing protocols and any relevant legislation such as Data Protection Acts. This will not preclude the Council taking independent action where it is considered appropriate/proportionate.

3. LICENSING FEES

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

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

4. HACKNEY CARRIAGES

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

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

4.3 The Licensing Authority's Table of Fares will be reviewed when a request for a review is received and is supported by more than 50% of Proprietors.

4.4 Any review of fares will be subject to public consultation, as required by the relevant legislation, and will be approved by the Council's Licensing Committee.

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

4.6 Havant Borough Council currently limits the number of Hackney Carriage licences. In order to retain a limit on the number of Hackney Carriage licenses issued by Havant Borough Council, a survey is conducted to determine whether there is any latent or patent unmet demand within the area of the licensing authority, guided by Department

for Transport (DfT) best practice guidance and previous case law. This survey was last completed in July 2016, when the current limit of Forty Vehicles was retained. The survey is conducted every 3 years and will next be due to be completed in July 2019

5. TAXI RANK PROVISION

5.1 The provision of taxi-rank space will be reviewed every five years with this Policy and is next due for review in 2018.

6. ILLEGALLY PLYING FOR HIRE

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

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

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

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

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

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

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

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

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

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

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

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

8. DATA PROTECTION

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

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

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

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

9. CRIME AND DISORDER ACT

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

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

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

10. CONSULTATION

10.1 It is the Council's policy to consult, when appropriate, with all interested parties before making decisions on matters referred to in this policy. These include the Police, the Highways Authority, licensed hackney carriage and private hire representatives and others thought appropriate. These may include groups representing disabled people,

the Chambers of Commerce, Organisations with a wider transport interest and special interest groups.

11. REVIEW

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

12. REQUIREMENTS FOR DRIVERS

12.1 The Licensing Authority offers a Combined (Dual) Hackney Carriage and Private Hire Driver's Licence allowing drivers to drive any vehicle licensed by the Licensing Authority.

Intended Use and location.

The Council has to enforce the relevant legislation and monitor drivers and vehicles when an Applicant does not intend to carry out journeys within the Council's district. It is therefore the policy of this Council, subject to the following exemptions, to only consider applications for Combined Hackney Carriage and Private Hire Driver or Vehicle Licences when the Applicant intends to use the said licence wholly or predominantly within the Council's district.

Exemptions

The Council will consider the application if:

- a) The Applicant can prove the use of their licence will be primarily for journeys which begin or end within the Council's district;
- b) The Applicant can prove the journeys they intend to make will form part of a Commercial contract with another company to carry out their staff or customer private hire journeys regardless of whether they start or finish within the Council's district; or
- c) The Applicant can prove the journeys will be conducted under the terms of a Private Hire sub-contracting arrangement with an Operator in another Licensing Authority Area. The Applicant will also have to show how they intend to comply with the terms of the Deregulation Act 2015.

12.2 Where the Licensing Authority issues a Licence to drivers it will be for a maximum of 36 calendar months from the date of issue. Under the provisions of the Immigration Act 2016, however, persons with limited leave to remain and Work in the United Kingdom can only be issued with a licence valid until the day before their leave to remain expires. In these cases the Licence will be extended up to 6 months upon receipt of proof that an 'In Time' Application to remain has been received by the Immigration Service. Once an 'In time' Application has been determined by the Immigration Service,

the licence will be extended up to the full 3 year date (calculated from the date the Licence was first granted). Such extensions will normally be issued free of charge.

12.3 Under sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority must not grant a licence for a Private Hire Vehicle Driver or a Hackney Carriage Driver unless satisfied that the applicant is a fit and proper person to hold a licence and has been authorised to drive a motor car for at least twelve months prior to the application. They must also be satisfied that the applicant has the right to live and work in the United Kingdom as set out in the Immigration Act 2016.

A fit and proper person has been described as “A Fit and Proper Person must be a safe driver with a good driving record and adequate experience, sober, mentally and physically fit, honest, and not a person who would take advantage of their employment to abuse or assault passengers.”

It is of considerable importance that drivers are people of honesty and integrity. In the case of Nottingham Council v Farooq (Mohamed) the question of offences of Dishonesty was addressed as follows: “Hackney carriage and PHV Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become ‘fair game’ for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general a period of three to five years free of convictions should be required before entering an application.”

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

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

12.5 New and Renewal applicants for the Combined Hackney Carriage/Private Hire Driver’s Licence:

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

- Completed application forms and payment of the required fees.
- The applicant is over 21 years of age at the time of application.

- The applicant has the right to live and work in the country as set out in the guidance issued under the Immigration Act 2016.
- An enhanced Criminal Record Check from the Disclosure and Barring Service and evidence that they are not on a child and / or vulnerable adult barring list.
- A Medical Report from the applicants own Doctor (GP) which in some cases may be sent to the Licensing Authority's nominated Medical Examiner to satisfy that the applicant meets the DVLA's Group 2 Medical Standard.
- The applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive and has completed the consent for the Licensing Authority to verify their DVLA licence record.
- The applicant has passed an approved Taxi driving assessment and provided a satisfactory certificate of competence.
- The applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for. (To be determined by Interview with Licensing Officer)
- If the applicant is a non-UK national, a Certificate of Good Conduct/Character/Citizenship from the Ministry of Justice and Traffic Record from their country of origin or UK Embassy.
- If the applicant has lived abroad for more than 3 months within the past 5 years, a Certificate of Good Conduct/Character/Citizenship and Traffic Record from the Ministry of Justice for those particular country/countries lived in.
- The applicant has passed the Licensing Authority's knowledge test assessing knowledge of the Borough's road network, basic literacy and numeracy, the Highway Code and a basic awareness of the role of a driver.

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

12.6 Qualifications for Drivers

Driver training is an essential part of ensuring that drivers of licensed vehicles meet the high standards that the public expect of them. It is therefore a requirement for all new applicants to pass a Driving Test approved by the Licensing Authority before being granted a licence. This will help to ensure they have the skills and knowledge they need in order to keep themselves, their passengers, the public and their vehicles safe.

12.7 Guidelines relating to the relevance of convictions for new and existing drivers

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

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

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

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

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

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

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

However due regard and consideration will be given to the provisions and timescales set out in the Rehabilitation of Offenders Act 1974.

Consideration of disclosed criminal history

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle 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 consider the following:

- How relevant the offence(s) are to the licence being applied for,
- The seriousness of the offence(s),
- When the offence(s) were committed,

- The date of conviction(s),
- Circumstances of the individual concerned,
- Sentence imposed by the Court, (Due consideration will be given to the provisions and timescales set out in the Rehabilitation of Offenders Act 1974)
- The applicant's age at the time of conviction,
- Whether they form part of a pattern of offending,
- Any other character check considered reasonable (e.g. personal references), and
- Any other factors that might be relevant.

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

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

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

So that the licensing authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is recommended that applicants register for the DBS's update service and consent to the licensing authority having access to view.

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

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

Serious offences involving violence

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

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

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving

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

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

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

A licence should not be granted where the applicant has a conviction for one of the following offences and the conviction is less than 3 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Common assault
- Assault occasioning actual bodily harm
- Affray
- S.5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence should not be granted if an applicant has more than one conviction in the last 5 years for an offence of a violent nature.

Sex and indecency offences

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

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

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

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

Dishonesty, theft or similar offences

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

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

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- and any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

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

Drugs

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

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

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

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

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

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

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

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

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

Driving offences involving the loss of life

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

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

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs

- Causing death by driving: unlicensed, disqualified or uninsured drivers
- or any similar offences

Other driving offences

As licensees are professional vocational drivers, a serious view is taken of convictions for driving. Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, etc should not prevent a person from holding a licence. If sufficient penalty points have been accrued to require a period of disqualification a taxi licence or private hire licence will only be issued when a valid driving licence is held and the applicant able to demonstrate a period of at least 6 months free from further motoring offences. Should sufficient penalty points be accrued leading to a period of disqualification any licence issued should be revoked.

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

Licensing offences

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

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

Insurance offences

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

An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 1years, however strict warning should be given as to future behaviour.

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

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

Outstanding charges or summonses

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

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

Non-conviction information

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

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

Cautions

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence. In all cases, the overriding consideration will be public safety.

12.8 Renewal Applications

All applicants renewing their licence must satisfy the following criteria:

- Completed Application form and fee
- Provide DBS certificate, Current medical report, DVLA consent and photograph at the time of renewal, in line with the frequencies below.

Any driver not providing the requested documents will be suspended or not have their licence renewed.

DBS

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

DVLA mandate

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

Medical

A medical report completed by their own GP / GP practice to DVLA Group 2 standard. Once up to 45th birthday then every five years up to 65th birthday then annually thereafter. Where a case is made that this is not possible, the licensing team may give consent to use an alternative GP.

In these cases the nominated GP must carry out a full physical examination (telephone and online consultations are not accepted) to group 2 standards. This includes (but is not limited to) a full physical examination, eye test, blood pressure check, diabetes test.

In cases of doubt medical reports will be sent to the Licensing Authority's nominated medical practitioner to determine whether the DVLA Group 2 standard is met.

The medical must be completed on the correct form as issued by Havant Borough Council.

Photograph

A driver is required to update their photograph at each renewal.

12.9 Re-application after refusal

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

12.10 Driver Conduct

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

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

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

12.11 Dress code

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

- Shirts/t-shirts and sweat tops should cover shoulders and must be capable of being inside trousers or shorts.

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

12.11 Notification of any changes in circumstance

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

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

13. REQUIREMENTS FOR VEHICLES

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

- Vehicles must be of an age and model acceptable to the Licensing Authority (see below). Vehicles will be licensed to carry between 4 and 8 passengers (subject to suitability)
- Havant Borough Council publishes a list of Pre-Approved vehicles. Vehicles that are not on the pre-approved list will be inspected before initial licensing to ensure the vehicle is suitable for use as a taxi or private hire vehicle.
- Complete the required application form and pay the required fee(s)
- Provide proof of insurance for Hire and Reward (for Taxis) or Private Hire and Reward (for PHVs), such as a certificate or cover note valid for the date the licence is intended to come into force.
- A valid MOT certificate for the date the licence is intended to come into force.
- V5 Registration document or other equivalent proof of ownership.
- All vehicles presented for licensing must pass a mechanical inspection at a Licensing Authority approved testing centre.
- Vehicles must not be currently Licensed for Hackney Carriage or Private Hire use with another Authority

- HBC Licensed Vehicles can only be driven by an HBC Licensed driver. If the vehicle is required to be driven by an unlicensed driver, (eg family member or road test after repair) then the vehicle plate must be temporarily surrendered by contacting the Licensing Team at HBC.
- Any accident or damage to a licensed Vehicle MUST be reported to Licensing within 7 days. Vehicles may have their plate suspended until such times as the vehicles is repaired and inspected.
- If a Licensed Vehicle is sold the proprietor must notify HBC Licensing in writing within 7 days and return the Vehicles plate to the council.
- If a Licensed vehicle is Transferred the proprietor must notify HBC Licensing in writing within 7 days including the name & address of the person the vehicle was transferred to.

13.2 Vehicle Specifications (See Appendices 5 & 6)

13.3 INTENDED USE AND LOCATION

The Council has to enforce the relevant legislation and monitor drivers and vehicles when an Applicant does not intend to carry out journeys within the Council's district. It is therefore the policy of this Council, subject to the following exemptions, to only consider applications for Combined Hackney Carriage and Private Hire Driver or Vehicle Licences when the Applicant intends to use the said licence wholly or predominantly within the Council's district.

Exemptions

The Council will consider the application if:

- a) The Applicant can prove the use of their licence will be primarily for journeys which begin or end within the Council's district;
- b) The Applicant can prove the journeys they intend to make will form part of a Commercial contract with another company to carry out their staff or customer private hire journeys regardless of whether they start or finish within the Council's district; or
- c) The Applicant can prove the journeys will be conducted under the terms of a Private Hire sub-contracting arrangement with an Operator in another Licensing Authority Area. The Applicant will also have to show how they intend to comply with the terms of the Deregulation Act 2015.

Where the Licensing Authority issues a Vehicle Licence it will be for a maximum of 12 calendar months from the date of issue.

13.4 Exemption Policy for Private Hire Vehicles

The Licensing Authority recognises operators may wish to cater for an 'exclusive' or corporate client base and provide a vehicle of a prestige model and specification. An operator may apply for an exemption to the requirement to display a licence plate. If granted an exemption is the subject to a fee.

THE FOLLOWING CONDITIONS RELATE TO THE GRANT OF AN EXEMPTION CERTIFICATE FOR A PRIVATE HIRE VEHICLE USED FOR EXECUTIVE PURPOSES ONLY AND ARE IN ADDITION TO THE PRIVATE HIRE VEHICLE CONDITIONS PREVIOUSLY ISSUED.

1. Interpretation

Throughout these Conditions "the Council" means the Council of the Borough of Havant, "the Borough" means the Borough of Havant, and "Private Hire Vehicle (Executive)" means a motor vehicle constructed or adapted to seat fewer than nine passengers, not being a Hackney Carriage or public service vehicle, which is provided for hire with a driver for the carrying of passengers, for executive use only, but these conditions do not:

- (a) apply to a vehicle used for bringing passengers or goods within the Borough in pursuance of a contract for the hire of the vehicle made outside the Borough if the vehicle is not made available for hire within the Borough;
- (b) apply to a vehicle while it is being used in connection with a wedding or a funeral or a vehicle used wholly or mainly by a person carrying on the business of a funeral director, for the purpose of funerals;
- (c) apply so as to require the display of any plate, disc or notice in or on any private hire vehicle licensed by the Council during such period that such vehicle is used for carrying passengers for hire or reward on any other occasion specified by the Council in a notice given to the proprietor of the vehicle.

2. Conditions regulating the provision and display of Private Hire Vehicle (Executive) Identification Plate and Exemption Certificate

- (a) Prior to the issue of an exemption certificate, each vehicle must be individually assessed by an authorised council officer. Each application will be judged on its own merit.
- (b) Upon the vehicle being authorised for executive use, an exemption certificate will be issued on receipt of a fee which is non refundable.
- (c) The identification plate to be provided by the Council pursuant to Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 bearing the number of the licence granted in respect of the vehicle shall be kept in the vehicle along with the exemption certificate at all times and be made available for inspection at the request of an officer. The plate and certificate remain the property of the Council.
- (d) In the event of loss or damage rendering such plate or certificate unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
- (e) On selling the vehicle, the previous owner must inform the council immediately, in writing, and provide details of the new owner. The exemption certificate must be returned to the Council along with the Private Hire Vehicle plate.

3. Provisions regulating how Private Hire Vehicles (Executive) are to be furnished, provided and maintained.

The proprietor of a Private Hire Vehicle (Executive) shall:

- (a) ensure that the vehicle is of a standard and quality expected for the purpose. Each individual vehicle must be assessed by an authorised council officer with regard to suitability as per condition 2 (a).
- (b) notify the council within 5 working days of any change in condition of the vehicle.
- (c) maintain the interior and exterior of the vehicle to the standard expected at all times.
- (d) display the window stickers provided in the front and rear windscreen, ensuring that they are clearly visible at all times.

4. Condition relating to the use of the Private Hire Vehicle (Executive).

The proprietor of a Private Hire Vehicle (Executive):

- (a) shall not use the vehicle for any other purpose than for executive use (i.e. not for 'normal' airport journey's or daily private hire use).
- (b) should the owner / operator choose to undertake normal daily private hire work then the exemption would be removed and the plate would have to be displayed on the vehicle as per the vehicle conditions.
- (c) shall, upon non-compliance with condition 4(a) or any other regulations, Acts of Parliament, orders or byelaws, surrender the exemption certificate to the Council and display the Private Hire Vehicle plate as required under the Private Hire Vehicle Conditions. Where an exemption is removed for non compliance a period of 12 months must pass before consideration is given to re-issue
- (d) shall, upon any change of use of the vehicle, inform the Council on the same day when the change takes place.

5. Legislation

The Licence holder must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, and any order or regulation made thereunder or the requirements of any other Act of Parliament or orders, regulations or bye-laws made thereunder relating to Private Hire Vehicles.

6. It should be noted that the granting of the exemption is a concession made by the Council to section 2(a) of the Private Hire Vehicle Conditions and as such, officers are not compelled to grant any exemptions.

14. REQUIREMENTS FOR OPERATORS

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

14.2 The Operators office shall be located within the Borough of the Licensing Authority.

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

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

- Completed Application Form and Fee

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

- Basic Level Disclosure Scotland certificate or Disclosure and Barring certificate together with supporting documents and fee.
- If not a UK national, a Certificate of Good Conduct/Character/Citizenship from the Ministry of Justice for the country of origin or UK Embassy
- If having lived abroad for more than a 3 months within the past 5 years, a Certificate of Good Conduct/Character/Citizenship from the Ministry of Justice for that particular country/countries lived in.
- The applicant must provide proof that he has the right to live and work in the country as set out in the guidance issued under the Immigration Act 2016.

LIST OF APPENDICES

App.1	List of Current Licensing Fees
App.2	Current Hackney Carriage Fares Chart
App.3	Penalty Points Scheme (List of Offences)
App.4	Rehabilitation of Offenders Act timescales guide
App.5	Drivers Handbook Insert (including Safeguarding Rules)
App.6	Vehicle technical specifications
App.7	Current List of Pre Approved Vehicles