

Licensing and Appeals Committee



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Thursday, 12 November 2020

A meeting of the **Licensing and Appeals Committee** of North Norfolk District Council will be held remotely via Zoom on **Monday, 23 November 2020 at 10.00 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Members of the public who wish to ask a question or speak on an agenda item are requested to notify Democratic Services no later than 5pm on the Thursday before the meeting and provide a copy of the question or statement. An email invitation will be sent to you. Statements should not exceed three minutes. Email: democraticservices@north-norfolk.gov.uk

The meeting will be broadcast live to YouTube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting and make a representation you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/training purposes.

Emma Denny
Democratic Services Manager

To: Dr P Bütikofer, Mr H Blathwayt, Mr T Adams, Mr D Baker, Mr D Birch, Mr C Cushing, Mr P Fisher, Mrs P Grove-Jones, Mr N Housden, Mr N Lloyd, Mr N Pearce, Mrs G Perry-Warnes, Mr J Rest, Mrs E Spagnola and Mr A Yiasimi

All other Members of the Council for information.
Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance
If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

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A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. PUBLIC QUESTIONS

3. MINUTES

(Pages 1 - 30)

To approve as a correct record, the minutes of the meeting of the Licensing and Appeals Committee held on 20 January 2020 and of meetings of the Licensing Sub-Committee held on 29 January, 25 February, 25 March, 6 May, 17 June and 5 August 2020.

4. ITEMS OF URGENT BUSINESS

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

5. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.

6. UPDATE ON GENERAL LICENSING ISSUES

To give an oral update on licensing issues.

7. PUBLIC PROTECTION & COMMERCIAL - LICENSING UPDATE

(Pages 31 - 180)

Summary: The report presents information to the Committee regarding the review of the Taxi Policy and Handbook and the consultation process.

Conclusions: N.A

Recommendations: 1. That Members note and agree the review.

| | |
|--|------------------------|
| Cabinet Member(s) Councillor Nigel Lloyd – Portfolio Holder Councillor Dr Pierre Bütikofer - Chair of the Licensing Committee | Ward(s) affected - All |
| Contact Officer, telephone number and email: Lara Clare 01263 516252 lara.clare@north-norfolk.gov.uk | |

8. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

9. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph _ of Part I of Schedule 12A (as amended) to the Act.”

10. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM THE PUBLIC BUSINESS OF THE AGENDA

11. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

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LICENSING AND APPEALS COMMITTEE

Minutes of a meeting of the Licensing and Appeals Committee held at 10.00 am on 20 January 2020 in the Council Chamber, Council Offices, Holt Road, Cromer.

Members Present:

| | |
|--------------------------------|--------------------|
| Dr P Bütikofer (Chairman) | Mrs G Perry-Warnes |
| Mr H Blathwayt (Vice-Chairman) | Mr J Rest |
| Mr P Fisher | Mrs E Spagnola |
| Mr N Housden | Mr A Yiasimi |

Officers in attendance:

Ms T Howard - Public Protection & Commercial Manager
Ms L Clare – Licensing Enforcement Officer
Miss C Mushonga – Legal Assistant
Miss H Patel – Trainee Solicitor
Miss L Yarham - Democratic Services & Governance Officer (Regulatory)

14 APOLOGIES FOR ABSENCE

Mr T Adams, Mrs P Grove-Jones and Mr N Lloyd sent apologies. The Chairman explained that this meeting coincided with a meeting of the Broads Internal Drainage Board and Norfolk County Council's Full Council meeting.

15 PUBLIC QUESTIONS

None received.

16 MINUTES

The minutes of the meeting of the Licensing and Appeals Committee held on 15 July 2019 and meetings of the Licensing Sub-Committee held on 7 August, 11 September, 2 October and 27 November 2019 were approved as correct records and signed by the Chairman.

17 ITEMS OF URGENT BUSINESS

None.

18 DECLARATIONS OF INTEREST

See minute 19.

19 PUBLIC PROTECTION – LICENSING UPDATE

Tracy Howard introduced herself as the newly-appointed Public Protection & Commercial Manager. She would be observing the meeting on this occasion but was available to answer questions.

The Licensing Enforcement Officer presented a report which gave an update on the draft Taxi Licensing Policy, "Lucy's Law" banning the third party sale of puppies and kittens, and a motion from Full Council regarding the use of fireworks.

Draft Taxi Licensing Policy

The Taxi Licensing Policy had been reviewed by the Taxi Handbook and Policy Task and Finish Group and the revised draft policy would shortly go out for public consultation with a view to adoption by the end of the year.

Councillor H Blathwayt asked if electric and hybrid vehicles were specifically included in the policy, and whether any electric vehicles were licensed for use as taxis.

The Licensing Enforcement Officer referred to paragraphs 3.67 to 3.69 of the report in respect of policy changes in relation to low emission and electric vehicles. Hybrid vehicles were already included in the Council's current policy. The new policy would take account of all low-emission vehicles. No fully electric vehicles were currently licensed.

Councillor Mrs G Perry-Warnes asked when dates for waiving the licence fee for fully electric vehicles would be inserted in the policy.

The Licensing Enforcement Officer stated that the dates were open to discussion and the proposal had been put forward by the Task and Finish Group to encourage operators to run electric vehicles.

Councillor N Housden asked what the position was with regard to drug testing.

The Licensing Enforcement Officer stated that drug testing had been left as it was for the time being but in the current policy a very dim view was taken of drug driving.

The Chairman stated that he was in contact with Liverpool City Council with regard to its policy in relation to its drugs policy. The policy was currently out to public consultation and he would go back to Liverpool City Council to find out what was decided. He would also contact a number of other Councils on this matter. Consideration could then be given as to whether it was appropriate to incorporate drug testing in this Council's policy.

The Licensing Enforcement Officer referred Members to section 10 of Annex B to the draft policy which related to drugs. She explained that any drug-related offences would be shown on a DBS report and the applicant would be subject to a hearing by the Licensing Sub-Committee. Taxi driving was a notifiable occupation and the Licensing Authority should be informed if a licensed taxi driver had committed a drug-driving offence. The Sub-Committee would then have the option to revoke their licence.

Councillor Mrs E Spagnola asked if the Taxi Association had been contacted regarding the proposed changes.

The Licensing Enforcement Officer explained that the draft policy had not yet gone out to consultation. The major operators had been invited to a meeting with the Task and Finish Group as a courtesy to get their initial views prior to wider public consultation. They were also given the opportunity to make their comments by email if they could not attend. However, the meeting had not taken place as its purpose had been misconstrued by the operators, and no comments had been received on the draft policy. All taxi operators would be able to comment on the policy when it went out to public consultation.

Councillor N Housden stated that the Government would shortly be carrying out a major review of taxi licensing and considered that it might be worthwhile letting the taxi operators know.

Councillor Mrs G Perry-Warnes asked if there was any stipulation as to how long CCTV footage could be retained.

The Licensing Enforcement Officer stated that it would depend on the type of CCTV used. If the camera was inward facing, and particularly if it also included audio, they were governed by the Information Commissioner's Office and it was a requirement for the firm to have a Data Protection Officer. If the Council insisted on CCTV being installed the responsibility for Data Protection would fall on the Council. The ICO Code also allowed passengers to have the ability to turn the camera off without the involvement of the driver.

Third-Party Sales Ban (Puppies and Kittens) - Lucy's Law

Legislation to prevent the third party sales of puppies and kittens was scheduled to come into force on 6 April 2020. It would ensure better welfare standards and prevent puppies and kittens being taken from their mothers under 8 weeks of age.

Councillor Mrs G Perry-Warnes asked how the law would be enforced.

The Licensing Enforcement Officer explained that the breeding of dogs was a licensable activity. Licensed breeders were subject to enforcement by the Licensing Authority. Unlicensed breeders could be subject to prosecution by the RSPCA, the Police or the Licensing Authority, or by a combination of those organisations.

The Chairman asked if there were any pet shops in the District which sold pets.

The Licensing Enforcement Officer stated that there were some garden centres which sold fish and birds, but there were no remaining pet shops which sold animals. There was also a reptile seller who was well-established and licensed.

The Public Protection & Commercial Manager explained that puppies and kittens had to be seen with their mother, even if they were over 8 weeks old.

Councillor Mrs G Perry-Warnes expressed concern that ringers could be used rather than the mother and asked if they had to be seen suckling.

The Licensing Enforcement Officer stated that there was no guarantee that young animals were being suckled by their mother. She considered that many people would buy a puppy if they saw it living in poor conditions to remove it from that situation. The aim of the legislation was to stop animals being bred in poor conditions and to make people more aware of what they were buying.

Councillor H Blathwayt asked if the new legislation should be publicised as part of the policy.

The Licensing Enforcement Officer agreed to publish information on the Council's website.

In answer to a question by Councillor P Fisher, the Licensing Enforcement Officer confirmed that there were licensed breeders in the North Norfolk District.

Councillor A Yiasimi asked if certificates were issued when buying a dog.

The Licensing Enforcement Officer stated that it would depend on the breed as to whether or not a dog had a certificate or Kennel Club registration. "Designer" breeds would not necessarily have a pedigree or be registered. However, a receipt should be issued for the sale.

It was suggested that additional publicity could be given through a flyer issued to breeders, or via Parish and Town Councils through their newsletters.

Fireworks

A motion regarding the use of fireworks had been referred to the Licensing and Appeals Committee by Full Council. The Licensing Enforcement Officer explained that it was not intended to do further work on this matter given the recent work undertaken by the Government in respect of the regulation of fireworks. She explained that the Council did not have a policy on fireworks as it was not a licensable activity. The Public Protection Team spoke to organisers of events involving fireworks due to the number of people attending but could only deal with matters which were licensable.

Councillor J Rest explained that he had put the motion to Full Council to require all public firework displays within the District Council area to be advertised in advance so that people were aware of them and could take appropriate precautions for animals and vulnerable people. It was not intended to require them to be licensed. He was asking for a public awareness campaign, for which there was a great deal of support. One of the aims was to protect animals, particularly wild animals.

The Licensing Enforcement Officer stated that in her experience, many of the events were charity events which were well publicised. However, there was concern regarding fireworks set off for weddings and other private events and she was unsure as to how people could be asked to advertise them.

Councillor Rest stated that it was possible to manufacture and set off quieter fireworks. He had been contacted by the Police who had concerns that they were being called out in the early hours in response to firework incidents, particularly at New Year. It was difficult to find the source once the fireworks had been let off. He considered that as a Local Authority, the Council could advise people that it would be courteous to advertise.

The Licensing Enforcement Officer considered that it would be difficult to do anything from a licensing perspective as it was not a licensable activity. It might be possible for the Council to send out publicity but it was not a matter for the Licensing & Appeals Committee.

Councillor H Blathwayt asked if it was possible to licence the sale of weapons-grade explosives, if it was not possible to licence the use of fireworks.

The Licensing Enforcement Officer explained that traders had to have a licence from the County Council Trading Standards and put in place certain safeguards before they were able to sell fireworks.

Councillor H Blathwayt considered that there was no reason why similar regulations as to those applied to other pyrotechnics such as distress flares should not be applied to fireworks.

The Public Protection & Commercial Manager suggested that the Community Safety Partnership could be used to convey the message to the wider public.

The Legal Advisor stated that she had recently read that a new licensing system was potentially being introduced which she needed to consider further. A report would be brought to a future meeting on this matter.

Councillor Mrs G Perry-Warnes suggested that there could be a section on the website regarding Lucy's Law and the effect of fireworks on animals, and a separate section specifically regarding fireworks with guidance as to what people should do, including the availability of quieter fireworks. These sections could be linked together.

Councillor P Fisher supported Councillor Mrs Perry-Warnes' comments and considered that the only way to deal with the matter was through education and information as it could not be policed.

At this point, Councillor A Yiasimi declared an interest as he sometimes sat on the Cromer Fireworks Committee. He understood Councillor Rest's point and stated that he would do his best to highlight the issue at such meetings and via the Committee's website and Facebook pages.

Councillor N Housden stated that the Fireworks Regulations 2004 specified night-time hours as between 11 pm and 7 am and it could be pointed out on the website that letting off fireworks during those hours contravened regulations.

Councillor A Yiasimi stated that he had witnessed people taking their dogs for walks during advertised firework displays and they had then complained that their animals were scared. He considered that pet owners should also be educated with regard to fireworks.

20 UPDATE ON TASK AND FINISH GROUPS

Taxi Handbook and Policy

The next meeting would finalise the draft handbook and policy for public consultation.

The Chairman asked if it was still intended to try to arrange a meeting with the trade prior to public consultation.

The Licensing Enforcement Officer explained that the trade had been given an opportunity to comment and had declined to do so. She suggested that the document should now proceed to public consultation. The Committee indicated its agreement to this suggestion.

The meeting closed at 10.45 am.

Chairman

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LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Wednesday, 29 January 2020 at the Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN at 10.00 am

Committee Mr H Blathwayt (Chairman)

Members Present: Mrs G Perry-Warnes
Mr A Yiasimi

Members also attending: Mr P Fisher (observing)

Officers in Attendance: Licensing Enforcement Officer, Legal Advisors (2) and Democratic Services & Governance Officer (Regulatory)

Public Protection & Commercial Manager (observing)

1 TO RECEIVE APOLOGIES FOR ABSENCE

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

Councillor A Yiasimi declared that the Licence Holder under Minute 8 had been a customer of his restaurant.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

5 (WK/190014231) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant

The Panel Members and Officers introduced themselves. The Public Protection & Commercial Manager was not present during this item.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where there were matters on the Applicant's DBS check that required consideration. There were also matters concerning his driving history that required further explanation.

The Chairman invited the Applicant to put his case.

The Applicant explained that he had held a licence to drive Private Hire and Hackney Carriages with another Local Authority between 1984/5 and 1991 and gave details of his licence and taxi driving history. He was surprised that the Authority concerned did not hold any records for him.

The Licensing Enforcement Officer explained that historic data may not have been held on computer or had been destroyed due to GDPR requirements.

The Chairman confirmed that the information given by the Applicant was sufficient to convince him that the Applicant had previously held a taxi licence.

The Applicant stated that he had a clean driving record and had no convictions whilst he was a taxi driver.

The Applicant answered Members' questions.

The Chairman referred to the application form, on which the Applicant had failed to declare his previous convictions. He drew attention to the accompanying notes regarding the Rehabilitation of Offenders Act.

The Applicant explained that he had not declared previous offences as they had occurred over 20 years previously and he had not intended to deceive the Authority.

At the request of the Chairman, the Applicant gave a detailed account of the circumstances in which the most recent offence shown on his DBS had occurred and stated that it had been thrown out of Court.

There were no further questions.

The Sub-Committee retired at 10.18 am and returned at 11.02 am.

RESOLVED

That the licence be granted.

6 (WK/190017528) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant

The Panel Members and Officers introduced themselves. The Public Protection & Commercial Manager was not present at this stage.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where there were matters on the Applicant's DBS check that required consideration. She stated that only one reference had been received at the time of writing the report. (A further reference was made available to the Sub-Committee during its deliberations).

The Chairman invited the Applicant to put his case.

The Applicant explained that his offences had occurred at a time when he had suffered a bereavement and a number of family members had suffered serious illness. He explained the circumstances that had led to him committing the offences, which related to one incident, and gave details of what had occurred. He regretted the offences and did not want to find himself back in that position again. He had undergone bereavement counselling and he was now in a much better situation. He referred to his employment history, which included many years in a customer service role.

At this point, the Public Protection & Commercial Manager entered the meeting and introduced herself.

The Chairman referred to an issue on the Applicant's medical report.

The Applicant explained that the condition was controlled and did not affect him when he was awake.

There were no further questions.

The Sub-Committee retired at 11.23 am and returned at 12.37 pm.

RESOLVED

That the licence be granted, subject to the following condition:

“Should (the Applicant) experience any further manifestations of stress which may lead to a further lapse, he is required to inform the Licensing Authority so that his fitness to hold a licence may be revisited.”

7 (WK/200001622) - REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant and Supporter

The Panel Members and Officers introduced themselves.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Licensing Enforcement Officer presented the report, which related to a review of a licence to drive hackney carriage or private hire vehicles where a licensed vehicle had been operating without insurance or tax.

The Chairman asked why photographs of a second vehicle had been included in the paperwork.

The Licensing Enforcement Officer explained that the vehicle concerned was also owned by the Licence Holder. This vehicle was taxed and insured.

The Licence Holder added that the second vehicle was now off the road due to engine problems.

The Chairman invited the Licence Holder to put his case.

The Licence Holder stated that he had thought the vehicle was insured but it appeared that the direct debit had failed and the insurance had been cancelled. A

payment had been debited from his account which he thought was for the insurance as it was a similar amount. As a result he had been using the vehicle since August without insurance. A similar problem had occurred with the tax (vehicle excise licence) for the vehicle. He said he would not have driven the vehicle if he had been aware that it was not insured and he would ensure that there was enough money in his account to make the payments in future.

The Chairman reminded the Licence Holder that his passengers were not insured if he did not have insurance for the vehicle.

The Licence Holder's Supporter stated that he ran a taxi firm. He had given work to the Licence Holder's firm, which he would not have done if he knew the Licence Holder was uninsured. He said that the Licence Holder's life was chaotic and if he was allowed to keep his licence, the Supporter would take over the Licence Holder's business to give him a chance to sort himself out.

Councillor Mrs G Perry-Warnes asked the Supporter if he would ensure that the paperwork was done properly if he took over responsibility for the business.

The Supporter confirmed that he would do so.

The Chairman asked the Licensing Enforcement Officer if she had anything she wished to add. The Licensing Enforcement Officer stated that she did not.

The Legal Advisor asked if the Licence Holder was aware of any further action being taken by the Police regarding this matter.

The Licence Holder said he had received no further correspondence.

The Supporter suggested that this was because the Licence Holder was not living at his correspondence address.

The Sub-Committee and Legal Advisor questioned the Licence Holder about his living arrangements and arrangements for collecting his post.

The Licence Holder explained that he visited the address sporadically and that he suspected that some of his post was missing. He was trying to find somewhere else to live.

Councillor Mrs G Perry-Warnes asked if the Licence Holder's post relating to his taxi driving could be sent to the Supporter's address.

The Supporter said that it could be done but indicated that the Licence Holder should take responsibility for his own arrangements.

The Chairman referred to the Police report which stated that the Licence Holder had been stopped two weeks previously for the same issue. He asked why this had not alerted the Licence Holder to a problem.

The Licence Holder explained that a further telephone check had been made by the Police during the stop which indicated that he was insured.

The Chairman questioned the Licensing Enforcement Officer regarding the vehicle excise licence.

The Licensing Enforcement Officer explained that the vehicle was not taxed at the time it was stopped. She did not know if the Government gateway informed vehicle

owners if their vehicles were not taxed. According to the Government website the vehicle was taxed at some time during December 2019 but she did not know the date as licences ran from the first of each month.

There were no further questions.

The Sub-Committee retired at 1.12 pm and returned at 2.25 pm.

RESOLVED

That the Licence Holder's licence be endorsed with the following:

- **4 penalty points for driving a taxi without insurance and vehicle tax;**
- **3 penalty points for not notifying the Licensing Authority of the change of address;**
- **An additional condition to require that all of his correspondence pertaining to his operation as a taxi driver be sent to (the Supporter at his company address).**

8 (WK/200002037) - REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Licence Holder

The Panel Members and Officers introduced themselves.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Licensing Enforcement Officer presented the report, which related to a review of a licence to drive hackney carriage or private hire vehicles where a licensed vehicle had been operating without a road fund licence. She stated that the Licence Holder had recently appeared before the Sub-Committee because of points accrued on his DVLA licence and on that occasion he had been allowed to keep his taxi licence.

In response to a question by the Chairman, the Licensing Enforcement Officer confirmed that if a vehicle was untaxed, the insurance was invalidated and passengers were uninsured. The road fund licence had expired on 31 August 2019.

The Chairman invited the Licence Holder to put his case.

The Licence Holder explained that on being informed by a member of the Licensing staff that the vehicle was untaxed, he had gone to the Post Office to tax the vehicle. He explained that he had purchased the vehicle in July and thought he had been to the Post Office to tax it, but due to problems with getting the car through taxi testing he probably had not done so. He said it was a genuine mistake and apologised for it. He recognised it was a serious offence to drive an untaxed vehicle. He had not received a reminder from the DVLA, but the postal delivery to his home was sporadic.

The Licensing Enforcement Officer drew attention to an email appended to the report setting out the actions taken by the Administrative Officer with regard to this matter, and in particular a paragraph relating to her discussion with the Licence Holder. She confirmed that the Licence Holder had done what was asked of him.

The Chairman asked the Licensing Enforcement Officer if it was satisfactory for the

Licence Holder to set up a direct debit for his road fund licence rather than paying for it in full.

The Licensing Enforcement Officer confirmed that a direct debit was acceptable and the vehicle would remain taxed provided the payments were kept up.

Councillor Mrs G Perry-Warnes asked the Licence Holder if he had tried to pay the vehicle tax but had been unsuccessful in implementing it.

The Licence Holder stated that he paid all his vehicle taxes at the Post Office and he had so much to do with the car when he bought it, such as fitting the taximeter and fixing problems with the vehicle, that he genuinely thought he had taxed it.

The Chairman referred to the determination notice relating to the Licence Holder's previous appearance before the Sub-Committee, in which it had stated that "... in the event that he finds himself before the Licensing Sub-Committee, a less favourable view may be taken against the Licence Holder." He asked the Licence Holder if he could convince the Sub-Committee that such a view should not be taken on this occasion.

The Licence Holder stated that he had made a genuine mistake. He referred to his age and stated that he had a taxi licence which ran until 2022, which he would dearly like to keep. It was a genuine oversight on his part and he realised it was a serious offence, but it was his livelihood. His partner was unwell and he needed the income. He expressed remorse for the offence and hoped he would not appear before the Sub-Committee again.

The Chairman asked the Licensing Enforcement Officer how many taxi drivers were on the Council's records and how many of them appeared before the Sub-Committee.

The Licensing Enforcement Officer stated that there were around 300 registered drivers. She did not have the information to hand as to how many appeared before the Sub-Committee but estimated it to be around 5-10%.

At the request of the Chairman, the Licence Holder confirmed how long he had held his taxi licence.

There were no further questions.

The Sub-Committee retired at 2.53 pm and returned at 4.04 pm.

RESOLVED

That the licence be revoked with immediate effect.

The meeting ended at 4.10 pm.

Chairman

LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Tuesday, 25 February 2020 at the Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN at 10.00 am

Committee Mrs P Grove-Jones (Chairman)
Members Present: Mr P Fisher
Mrs E Spagnola

Officers in Attendance: Lara Clare, Legal Assistant and Democratic Services & Governance Officer (Regulatory)

1 TO RECEIVE APOLOGIES FOR ABSENCE

Councillor Mrs E Spagnola attended the meeting in place of Councillor Mrs G Perry-Warnes.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

5 (WK/190017036) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant

The Chairman introduced the Panel Members and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting.

The Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where there were matters on the Applicant's DBS check which required consideration.

The Legal Advisor noted that both of the Applicant's referees lived at the same address.

The Licensing Enforcement Officer explained that the Applicant had known both

referees since school and the references were considered to be acceptable.

The Chairman invited the Applicant to put his case.

The Applicant stated that he had turned his life around and wanted to move on. He was already working as a controller for his employer and wanted to progress to driving taxis, which would help him financially and he would like to meet more people when he was on the road.

The Sub-Committee questioned the Applicant.

Councillor Mrs E Spagnola asked if alcohol had been a contributory factor in the offences. The Applicant stated that it had not.

Councillor P Fisher referred to the Applicant's offences and asked what had changed in his life.

The Applicant explained the difficult family circumstances that had led to his convictions. He was now in a much better place in terms of his family and personal circumstances.

The Chairman asked if there had been any violence against a person.

The Applicant stated the incidents had been mainly verbal, and gave details of the most recent conviction, for which he had received a conditional discharge.

The Chairman asked if the Applicant would be able to keep his cool if, for example, someone was sick in his taxi or refused to pay.

The Applicant confirmed that he would be able to deal calmly with difficult or vulnerable passengers and was aware of the procedures set down by his employer. He also confirmed that he was familiar with the Taxi Handbook and Policy.

The Licensing Enforcement Officer asked why the Applicant had used a company for his medical rather than his GP.

The Applicant explained that he had used the company previously and they had been very good so he went to them again.

Councillor P Fisher advised the Applicant to have his blood pressure checked by his GP.

In response to a question by the Legal Advisor, the Applicant explained the events that had resulted in a Police caution and confirmed that he did not take or deal in drugs.

There were no further questions.

The Sub-Committee retired at 10.14 am and returned at 11.13 am.

The Chairman read out the determination.

RESOLVED

That a licence be granted for a period of one year subject to a condition

requiring the Applicant to remain clear of any cautions or any further convictions during that period.

The meeting ended at 11.17 am.

Chairman

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LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Wednesday, 25 March 2020 hosted remotely at the Council Offices, Holt Road, Cromer, NR27 9EN at 10.00 am

Committee Mr N Housden Mr H Blathwayt
Members Present: Dr P Bütikofer

Officers in Attendance: Licensing Enforcement Officer, Legal Advisor and Democratic Services & Governance Officer (Regulatory)

1 TO RECEIVE APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs P Grove-Jones. Councillor P Bütikofer attended the meeting as her substitute.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

5 (WK/180023014) - REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

The hearing was conducted remotely as a result of Government advice regarding distancing measures due to the Covid-19 pandemic.

The Licence Holder was not present. He had been invited to attend the hearing but had not responded to emails sent to him regarding this matter. Following closure of the Council Offices to the public as a result of the Covid-19 pandemic, he had been invited to submit a statement but he had not done so.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. At the request of the Chairman, she confirmed that it was in order to conduct the meeting remotely provided it was fair and the Licence Holder's rights under Article 6 of the Human Rights Act 1998 were maintained.

The Licensing Enforcement Officer presented the report, which related to a review of a review of a taxi driver's licence where the Licence Holder had not completed the necessary DBS process.

The Chairman asked if the Licence Holder had operated as a taxi driver during the period when the DBS was outstanding.

The Licensing Enforcement Officer explained that he had operated as a taxi driver until the end of 2018. It was not known if he was operating as a taxi driver following that date.

The Licensing Enforcement Officer answered questions in respect of the correspondence outlined in the report and in relation to his DBS. She confirmed that his current postal address was unknown.

The Sub-Committee retired at 10.20 am to consider its decision. The Licence Holder was informed of the decision and right of appeal by email on 26 March 2020.

RESOLVED

That the Licence be revoked with immediate effect.

The meeting ended at 10.20 am.

Chairman

LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Wednesday, 6 May 2020 hosted remotely by video conference at the Council Offices, Holt Road, Cromer, NR27 9EN at 10.00 am

Committee Dr P Bütikofer (Chairman except for minute 7)
Members Present: Mr N Lloyd
Mr J Rest (Chairman for minute 7)

Officers in Attendance: Licensing Enforcement Officer, Legal Advisor and Democratic Services & Governance Officer (Regulatory)

1 TO RECEIVE APOLOGIES FOR ABSENCE

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

5 (WK/200008070) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant (attending remotely)

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. She reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the applicant's right to a fair trial under Article 6 of the Human Rights Act 1998.

The Members of the Panel introduced themselves.

The Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where there were matters on the Applicant's DBS check which required consideration. She drew attention to Section 8 of the application form (Offences and Accidents) to which the applicant had answered 'no', and to the DBS summary which outlined his convictions. She stated that the driving offence shown on the Applicant's DVLA check would be removed from his driving record on 9 May 2020.

The Applicant explained the background to his convictions, which had occurred

when he was a minor, and said that he was a better person now. He also explained how his driving offence had occurred and said that he had made a stupid mistake.

The Licensing Enforcement Officer confirmed that the Applicant's convictions had all occurred when he was a youth.

The Applicant answered Members' questions in respect of his driving and employment history.

In response to questions as to why he had not declared his convictions on his application form, the Applicant explained that he had not read the question properly and thought it related to pending convictions. He did not realise that the offences would appear on his DBS as he had been young when they happened. He stated that he had explained everything when he had attended his interview with a Licensing Officer.

The Licensing Enforcement Officer pointed out that he had declared his driving offence on the application form.

There being no further questions, the Sub-Committee retired at 10.30 am to consider its decision. The Applicant was informed that he would receive the decision notice in writing within 5 days but the Licensing Enforcement Officer would call him as soon as possible to let him know the decision.

RESOLVED

That the licence be granted.

6 (WK/200008268) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant (attending remotely)

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. She reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the applicant's right to a fair trial under Article 6 of the Human Rights Act 1998.

The Members of the Panel introduced themselves.

The Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where there were matters on the Applicant's DBS check which required consideration. She drew attention to Section 8 of the application form (Offences and Accidents) to which the applicant had answered 'no', and to the DBS summary which outlined his convictions. She also drew attention to the Applicant's medical report which indicated an ongoing medical condition, and stated that the Applicant's Doctor had certified him as fit to drive.

The Applicant explained the background to his conviction, which had occurred 23 years previously. He had not declared it on the application form as he had received a conditional discharge and did not realise that it was a proper conviction.

The Applicant answered Members' questions relating to his conviction and medical condition, and explained why he wanted a licence to drive a taxi.

There being no further questions, the Sub-Committee retired at 11.00 am to consider its decision. The Applicant was informed that he would receive the decision notice in writing within 5 days but the Licensing Enforcement Officer would call him as soon as possible to let him know the decision.

RESOLVED

That the licence be granted.

7 (WK/200009143) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

This hearing was chaired by Councillor J Rest due to issues with Councillor P Bütikofer's remote link.

Present: Applicant (attending remotely)

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. The Chairman explained that the Applicant would receive the decision notice in writing within 5 days but the Licensing Enforcement Officer would call him as soon as possible to let him know the decision. Towards the end of explaining the procedure, the Legal Advisor had technical issues and exited the meeting.

The Chairman and Councillor Lloyd introduced themselves. The Chairman informed the Applicant that Councillor Bütikofer was also in attendance but due to problems with the remote technology he was able to listen but not speak. He assured the Applicant that he would get a full hearing.

The Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where there were matters on the Applicant's DBS check which required consideration. She drew attention to Section 8 of the application form (Offences and Accidents) relating to convictions which had been ticked 'yes', the offences on the Applicant's DBS summary and to two driving offences listed on his DVLA check.

The Applicant acknowledged that he had quite a few convictions but said that he had turned over a new leaf. He had filled in the form in the way that he had as he was not sure if any of his convictions would prevent him from getting a licence to drive taxis.

The Legal Advisor re-joined the meeting.

The Chairman asked the Officers to explain why all the offences were relevant to this case.

The Licensing Enforcement Officer explained that the taxi driving profession was exempt from the Rehabilitation of Offenders Act 1974 and that all offences remained relevant, regardless of whether or not they were otherwise 'spent'. This was made clear in Section 14 of the application form.

The Chairman asked the Legal Advisor to clarify a matter of procedure which had been unclear due to problems with her remote link.

The Legal Advisor reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the applicant's right to a fair trial under Article 6 of the Human Rights Act 1998.

Councillor N Lloyd stated that one of the Sub-Committee's responsibilities was to ensure the safety of the public. He referred to the Applicant's criminal record and asked him to explain what he had been doing in the period when his offending took place and any mitigation for that behaviour, and what he had done since his final conviction.

The Applicant explained his difficult background which had led to the offending. He tried not to remember the difficult period and wanted to move forward and leave his past behind. He outlined the jobs he had done since the last offence, and explained that an injury had left him unable to continue in employment. He now wanted a job that did not put too much strain on his body.

The Licensing Enforcement Officer asked the Applicant if he had received an offer of employment by a taxi operator as he had not indicated this on his application form.

The Applicant explained that he intended to work for himself.

The Legal Advisor asked the Licensing Officer to briefly outline the Licensing Report as she was not present for his part of the hearing due to technical difficulties. The Licensing Officer provided a summary as requested.

The Chairman noted that the offending had occurred when the Applicant was under 20 years of age. He asked the Applicant how he would handle difficult customers.

The Applicant responded that he would have to deal with difficult customers professionally and calmly, and if being polite did not work he would call the Police. He said he could deal with some obnoxiousness, but could not drag people out of his car and had to leave others to enforce the rules.

The Chairman asked if the Applicant thought a period of working for another taxi firm would be beneficial.

The Applicant stated that he could see the point of working for others, but he did not want to be governed by anyone else. He had spoken to people in the taxi trade about the business and had been offered a client list by a former taxi operator.

The Chairman questioned the Applicant with regard to his ability to ensure the maintenance and upkeep of his vehicle, which could be expensive.

The Applicant explained how he could finance his business and why he considered this would not be a problem for him.

The Chairman stated that Councillor Bütikofer had messaged some questions but they had been answered. Councillor Bütikofer was able to speak briefly to confirm that he had heard what the Applicant had said.

At the invitation of the Chairman, the Applicant made a closing statement that he was still on the straight and narrow and was trying to keep things afloat and make a

change. It had taken time, effort and money to apply for his licence. He enjoyed meeting people and was a people person. There were many people who needed help in the current circumstances and he wanted to be able to help them. He apologised for his past.

There being no further questions, the Sub-Committee retired at 12.15 to consider its decision.

RESOLVED

That the application be refused.

The meeting ended at 12.15 pm.

Chairman

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LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Wednesday, 17 June 2020 remotely via Zoom at 10.00 am

Committee Members: Mr H Blathwayt Mr D Baker
Mr A Yiasimi

Officers in Attendance: Licensing Enforcement Officer, Legal Advisor and Democratic Services & Governance Officer (Regulatory)
Principal Lawyer (observing)

1 TO RECEIVE APOLOGIES FOR ABSENCE

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

5 (WK/200013682) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present: Applicant (attending remotely)

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. She reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the Applicant's right to a fair trial under Article 6 of the Human Rights Act 1998. In the event of any participant leaving the hearing due to a technical issue, the hearing would not proceed until all parties were present.

The Chairman introduced the Members of the Panel.

The Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where intelligence had been received which merited further consideration.

In response to questions by the Chairman and the Legal Advisor, the Licensing Enforcement Officer confirmed that the Applicant had informed the Authority of his DVLA points in a timely manner on the two most recent occasions, although she was

unable to confirm if this had been the case previously. No complaints about the Applicant had been received when he previously held a taxi licence.

The Chairman invited the Applicant to present his case.

The Applicant began to present his case but faced technical difficulties/issues. He returned to the meeting shortly afterwards and continued to present his case. He gave details of his driving offences and penalties, none of which had occurred while carrying passengers in his taxi. He gave his utmost assurance that he would not speed again and was aware of the consequences if he did so. He stated that he had learned his lesson and had taken steps to ensure that he did not speed in the future. He wanted to repay the faith his employer and regular customers had shown in him.

The Applicant answered questions from the Sub-Committee.

Councillor D Baker sought clarification as to how the Applicant had learned his lesson and asked if he had attended a speed awareness course.

The Applicant explained that he did not wish to repeat his experiences. He had no excuses or reasons for his actions and knew he had to fully concentrate and be fully accountable for his actions. He reiterated that he wanted to repay the faith people had put in him and wished to return to his taxi driving career. He had a black box from his insurer fitted to his vehicle to record his driving behaviour. He had attended a speed awareness course in the past, although not within the past two years.

Councillor A Yiasimi asked if all speeding offences had been in a 30mph zone.

The Applicant confirmed that this was the case and he had been just over the speed limit.

The Chairman asked if the Applicant carried a pager while driving in connection with his volunteering work and whether or not any of the speeding offences had occurred when responding to a call.

The Applicant stated that he was not on call when working as a taxi driver and would ignore the pager. He confirmed that no offences had occurred when responding to a call.

The Chairman asked the Licensing Enforcement Officer if there was any rule in the Taxi Handbook relating to the carrying of pagers in taxis. The Licensing Enforcement Officer confirmed that there was not.

There being no further questions, the Sub-Committee retired to consider its decision.

RESOLVED

That the licence be granted, subject to a condition to require that until the Applicant has a clean DVLA licence, a DVLA check be undertaken every 3 months by the relevant Licensing Officer at the Council.

In the event of the Applicant incurring any further DVLA penalties the licence will be subject to immediate review by the Licensing Sub-Committee.

The meeting ended at 10.34 am.

Chairman

LICENSING SUB-COMMITTEE

Minutes of the meeting of the Licensing Sub-Committee held on Wednesday, 5 August 2020 remotely via Zoom at 10.00 am

Committee Mr N Housden Mrs P Grove-Jones
Members Present: Mrs E Spagnola

Officers in Attendance: Licensing Enforcement Officer, Legal Advisor and Democratic Services & Governance Officer (Regulatory)

1 TO RECEIVE APOLOGIES FOR ABSENCE

None.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.

5 (WK/200010387) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

This application had been withdrawn by the applicant prior to the meeting.

6 (WK/200017416) - APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES IN NORTH NORFOLK

Present (remotely): Applicant and Applicant's Supporter

The Chairman introduced the Members of the Panel and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. She reminded the Sub-Committee that the hearing was being conducted remotely via Zoom and must be conducted fairly and reasonably in line with the Applicant's right to a fair hearing under Article 6 of the Human Rights Act 1998. In the event of any participant leaving the hearing due to a technical issue, the hearing would not proceed until all parties were present.

The Licensing Enforcement Officer presented the report, which related to an application to drive Hackney Carriage or Private Hire Vehicles in North Norfolk where authority to issue a licence can no longer be delegated to officers and merited further

consideration by the Licensing Sub-Committee. She updated the Sub-Committee with regard to an appeal case referred to in the report. She emphasised that the hearing now in progress related to a new application to drive taxis in North Norfolk.

The Applicant's supporter referred to documents appended to the report and to a response given by Licensing Enforcement Officer at a previous hearing stating that driving without vehicle tax invalidated vehicle insurance. He asked the Licensing Enforcement Officer if she had evidence that this was the case in law or if it was something she believed to be the case.

The Licensing Enforcement Officer responded that it was her belief that under the Road Traffic Act, if a driver was not entitled to be on the road due to having no vehicle tax it had the potential to invalidate their insurance. In the event of an accident, it would be up to the insurance company as to whether it would cover any claim. She confirmed that this was how she had interpreted what she had read.

In response to questions by the Legal Advisor, the Licensing Enforcement Officer clarified the situation with regard to points on the Applicant's DVLA licence and confirmed that she was not aware of any complaints against the Applicant other than an anonymous complaint that had preceded the review which was heard on 29 January 2020.

In response to questions by the Chairman, the Licensing Enforcement Officer explained that the Applicant's vehicle was currently insured for his personal use. He would need to insure the vehicle for hire and reward in the event of the Sub-Committee granting him a taxi licence and she would require proof that the appropriate insurance was in place.

The Chairman invited the Applicant's Supporter to present the Applicant's case.

The Supporter explained the background to the application and the previous hearings by the Sub-Committee in respect of the Applicant. He explained in detail the reasons why he considered that driving an untaxed vehicle did not invalidate vehicle insurance as it was not an endorseable offence in law. He referred to a number of documents that he had supplied to the Democratic Services Manager. (These documents were made available to the Sub-Committee on its retirement to consider the case as it was not possible to display them on screen for the Sub-Committee at this time). He referred to a condition that had been placed on the Applicant's licence at a previous review that stated that should the Applicant appear before the Sub-Committee a less favourable view may be taken. He considered that the condition might not have been applied if the Sub-Committee had been advised correctly by the Licensing Enforcement Officer. Due to this error, the Applicant had subsequently lost his livelihood and good reputation.

The Chairman stated that the key issue at the January 2020 hearing was not insurance per se, but the Applicant's contravention of the Council's Taxi Handbook and Policy by driving an untaxed vehicle. The Handbook and Policy required valid vehicle tax, MOT and insurance to be in place in order to drive a taxi. The context of the current hearing related to whether or not the Applicant was a fit and proper person to hold a licence based on the 'fit and proper test' criteria.

The Supporter stated that the Applicant had made a mistake with regard to the tax, and explained that he was working with the Applicant to ensure that procedures were in place to avoid any future oversights.

The Licensing Enforcement Officer put the question to the Applicant's Supporter as to whether or not it was a legal requirement to have a road fund licence to drive on the public highway, except where exceptions applied.

The Applicant's Supporter confirmed that it was a legal requirement, as far as he was aware.

The Chairman commented that he had contacted his own insurance company when it had been announced that MOT tests could be deferred because of Covid-19 and was told that it could not categorically guarantee his vehicle would be covered by insurance in the event of a serious accident if an MOT was not up to date. The Licensing Enforcement Officer had categorically stated that any vehicle on the public highway should be taxed.

Councillor Mrs E Spagnola referred to a change in legislation that had come into force before the Applicant purchased his vehicle, which required a new owner to tax a vehicle immediately. She requested clarification as to whether the Applicant had failed to tax the vehicle on purchase or at subsequent renewal.

The Applicant's Supporter explained the circumstances under which the Applicant purchased the vehicle but he was unaware as to how the tax situation arose. In response to further questions from the Sub-Committee, he confirmed that the Applicant was in possession of the log book but was not sure when he received it, and he had checked that the Applicant was the legal owner of the car.

In response to a question by Councillor Mrs P Grove-Jones regarding the Applicant's motoring offences, the Applicant's supporter confirmed that they had involved speeds that were marginally over the limit and that the Applicant was not carrying passengers at the time.

Councillor Mrs Grove-Jones referred to the anonymous complaint and asked if it had been a case of spite. The Applicant's Supporter also expressed concern that anonymous complaints were acted upon.

The Licensing Enforcement Officer explained that the complaint had not been taken at face value. Following its receipt, she had checked on the Government website which confirmed that the vehicle was not taxed and she had acted on that information and not the complaint.

The Sub-Committee had no further questions.

The Legal Advisor sought confirmation of matters relating to the Applicant's driving record, to which his Supporter responded.

The Applicant's Supporter made his closing statement. He said that the revocation of the Applicant's taxi licence rested on a condition that had been applied in June 2019, which referred to an endorseable offence, and the removal of the Applicant's fit and proper status. Failing to tax a vehicle was not an endorseable offence, although it was contrary to the Taxi Handbook. In support of the Applicant's fit and proper status, he referred to a letter that had been submitted in support of the original application for a licence and the references that had been supplied in support of the current application, which showed that the Applicant was held in regard, and that a vacancy was being held open for him by his former operator. The Applicant had not

put anybody's life in danger but had made a mistake and the Supporter had put a system in place to prevent future mistakes. He understood that the Applicant had been a very popular driver. He requested that the Sub-Committee find the Applicant a fit and proper person to hold a licence, and give him a second chance with the reassurance that he would be under the Supporter's supervision and guidance.

The Supporter referred to an apparent discrepancy in the Taxi Handbook with regard to the amount of time a DVLA licence had to be held in order to hold a taxi licence. He also drew the Sub-Committee's attention to the latest Statutory Taxi and Private Hire Standards in respect of the reinstatement or relicensing of a driver where allegations were, on the balance of probability, unfounded.

The Licensing Enforcement Officer explained that whilst the law required a DVLA driver's licence to be held for one year, the Council's policy went further in requiring a licence to be held for three or more years. She reiterated that this was a new application and everything that had been put before the Sub-Committee could be taken into account when applying the fit and proper test.

The Sub-Committee retired to consider its decision.

RESOLVED

That the licence be granted for a period of one year, subject to the following conditions:

- 1. The Supporter to take responsibility for the administration of the Applicant's vehicle tax, insurance, MOT and servicing; and**
- 2. Any deterioration in the Applicant's glaucoma to be reported to the Council.**

The meeting ended at 11.44 am.

Chairman

Public Protection & Commercial – Licensing Update

Summary: The report presents information to the Committee regarding the review of the Taxi Policy and Handbook and the consultation process.

Conclusions: N.A

Recommendations: 1. That Members note and agree the review.

| | |
|--|------------------------|
| Cabinet Member(s) Councillor Nigel Lloyd – Portfolio Holder Councillor Dr Pierre Bütikofer - Chair of the Licensing Committee | Ward(s) affected - All |
| Contact Officer, telephone number and email: Lara Clare 01263 516252 lara.clare@north-norfolk.gov.uk | |

1. Introduction

1.1 The Licensing update includes;

1.1.1 Update on Taxi Licensing Policy and Handbook– Draft

1.2 A more detailed overview and relevant documents are included later in the report and appendices.

2. Licensing Update

2.1 Update on Taxi Licensing Policy

2.1.1 A task and finish group have met and discussed North Norfolk District Councils Policy and Handbook. This handbook has been updated and has now completed a 12-week public consultation which ended on 24 August 2020. Due to the current climate it was felt necessary to extend the public consultation from the statutory 6-week period to 12 weeks, to ensure that consultees had time to respond.

2.1.2 The last edition of the policy became effective on 1st July 2012.

2.1.3 Below is a table showing the major changes to the policy. A complete copy of the policy as a draft is at **Appendix A**.

AMENDED/ADDITIONAL ITEMS TO POLICY

Knowledge Test

- 2.15 You will need to pass the Council's Knowledge Test as part of the application process. The test will include multi-choice questions on Licensing Conditions, the Highway Code, knowledge of the area and literacy and numeracy and it will be conducted online at the Council offices.

Age Requirement

- 3.9 All hackney carriage and private hire vehicles will not normally be considered for licensing unless they are under 10 years of age from date of first registration (date as shown on DVLA registration document). Vehicles presented for licensing that are less than 5 years of age will require an annual Vehicle Inspection Report to be completed by one of the nominated garages. Vehicles over 5 years will be required to have a Vehicle Inspection Report every 6 months:

Vehicle Specifications

- 3.16 The vehicle shall have side opening doors for each passenger (designed for the purpose of permitting persons' access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons' access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons' access to/from the interior).
- 3.24 Estate versions of saloon vehicles fitted with seats in the rear luggage compartment may be licensed for more than 4 passengers, but the operator/proprietor must inform the customer that the vehicle has seats in the rear luggage compartment at the time of booking.
- 3.25 The vehicle shall have a sufficient engine capacity (usually considered as 1400cc). Any hybrid/LPG, electric or other alternatively powered vehicle must have an engine size that is sufficient for use at full capacity.

Vehicle Testing

- 3.34 No vehicle shall be first licensed or re-licensed unless the vehicle has passed the vehicle inspection at one of the Council's approved and nominated testing stations. All hackney carriage and private hire vehicles after 5 years (date as shown on DVLA V5 registration document) shall have a vehicle compliance test at an approved Vehicle Testing Station every 6 months. In addition, an authorised officer of the Council may inspect a vehicle for first licensing and/or upon renewal.
- 3.35 The Council will not consider a grant or renewal of a vehicle licence unless it has been examined in accordance with the Council's Hackney Carriage and Private Hire Vehicle [Compliance Testing Standards](#).
- 3.36 Costs of such testing is payable by the person wishing to licence the vehicle. In addition, the history of the vehicle may be taken into consideration when determining whether the vehicle should be licensed.
- 3.37 The 6 monthly compliance test certificate required for vehicles over 5 years old (see 3.34 above) must be produced to the Council within 7 days of the date of the test. Tests can be carried out by an approved testing station up to one

calendar month before the 6 monthly point of the licence.

3.38 A vehicle which fails an inspection/safety check during the currency of a licence with the Council will have the fault(s) rectified and the vehicle re-inspected at the same testing station within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.

3.39 A vehicle may be inspected by an authorised officer of the Council or a Police Officer, at any reasonable time. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle, he may give written notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the authorised officer or police officer is so satisfied. If the authorised officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).

CCTV Cameras

3.57 Suitable internal and external equipment, capable of recording both audio and video, may be installed, subject to the written approval of the Council, in all licensed vehicles. If fitted the system must comply with the ICO code and General Data Protection Regulation requirements.

Low Emission and Electric Vehicles

3.67 The Council encourages the uptake of low emission and electric vehicles in the District. The authority will seek to examine the feasibility of introducing schemes, which help improve the charging network and aid drivers in testing and purchasing electric vehicles.

3.68 The Authority recognizes that low emission vehicles can have a positive impact on the environment and any application receives for other low and ultra-low emission vehicles will be considered on its own merits

3.69 The Council will waive the initial vehicle licence application fee for any application to licence a fully Electric Vehicle (EV) received between 01/01/21 and 31/12/21.

Smoking and Electronic Cigarettes

7.38 The driver must not smoke, or permit any passenger to smoke, in a licensed vehicle at any time. This includes the use of Electronic Cigarettes (e-cigs), Personal Vaporizers (PV) and Electronic Nicotine Delivery Systems (ENDS), which are also prohibited.

Safeguarding Training

7.40 All existing licensed drivers and new combined driver applicants will be required to undertake Safeguarding Training as prescribed by the Council.

2.1.4 21 responses were received to the public consultation of the draft policy. These responses can be seen at **Appendix B**.

2.1.5 In summary the responses, the main area of concern by the trade was in relation to the changes and requirement to the knowledge test and the age of vehicles. The trade is concerned about additional costs for the knowledge

tests and whether being existing drivers they need to undertake this test. A knowledge test is a requirement under the current policy and handbook but it has never implemented. A discussion will be required as to whether existing drivers will need to complete the knowledge test at renewal or another timeframe put in place. Some responses were received regarding requiring a vehicle that is 5 years or older to have a Vehicle Inspection at 6 monthly intervals. This is to ensure the public safety of vehicles that are operating within North Norfolk. A licensed vehicle can do in excess of 1000 miles a month, which is the average for a domestic vehicle. These vehicles are in use every day and need to be maintained to a very high standard. This condition would hopefully ensure this. The internal plate could be issued for a 6 months' period to ensure the interim inspection is carried out.

- 2.1.6 The Department of Transport (Dft) in July 2020 published new statutory guidance entitled 'Department for Transport Statutory Taxi & Private Hire Vehicle Standards'. A copy of this guidance can be found at **Appendix C**.
- 2.1.7 The guidance states in section 1.3 that - 'Department for Transport expects these recommendations to be implemented unless there is a compelling local reason not to'
- 2.1.8 The guidance also states at sections 2.6 and 2.7 – 'The document sets out a framework of policies that, under section 177(4), licensing authorities "**must have regard**" to when exercising their functions'.
- 2.1.9 The Dft guidance is required to be implemented via our policy and handbook and our application and vetting process. With the implementation of the new policy and our already robust application and vetting process, the Council are having regard to the latest guidance produced by Dft.

3 Implications and Recommendations

The updated policy will be approved and issued on 1st January 2021.

4 Financial Implications and Risks

- 4.1 The adoption of the updated policy and handbook would help ensure that we are maintaining to high standards the vehicles that are licensed to operate in North Norfolk. It would also ensure that we are maintaining our statutory requirement for protection of the public and upholding and implementing the Dft statutory guidance as issued in July 2020. Without implementing these policies and guidance there would be a potential risk to public safety.

5 Sustainability

- 5.1 Not Applicable to this report.

6 Equality and Diversity

- 6.1 Not Applicable to this report.

7 Section 17 Crime and Disorder considerations

- 7.1 Not Applicable to this report.



NORTH NORFOLK DISTRICT COUNCIL

Hackney Carriage and Private Hire Policy & Handbook

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Approved by Licensing Committee on: ??????????????
Approved by Council on: ??????????????
Effective: ??????????????

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY & HANDBOOK

FOURTH EDITION 2020

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Definitions

- **“The Council”** means North Norfolk District Council
- **“The District”** means district of North Norfolk
- **“Authorised Officer/ Agent”** means an officer of the Council (or agent acting on behalf of the Council) authorised in writing or Police Officer
- **“Driver’s licence”** means, in relation to the driver of a hackney carriage, a licence under section 46 of the Town Police Clauses Act 1847 and, in relation to the driver of a private hire vehicle, a licence under section 51 of Local Government (Miscellaneous Provisions) Act 1976;
- **“Licence Duration”** The Licence will be issued for a maximum period of three years, unless revoked or suspended during that period; where an entitlement to work defined by the licence holders visa is less than three years, the licence will be suspended unless evidence of continued entitlement to work is produced before period of the initial visa ends.
- **“Hackney carriage”** means a carriage (motor vehicle) exposed for hire to the public, whether standing in the public street or a private yard. Can be commonly referred to as a taxi.
- **“Hackney carriage byelaws”** means the byelaws for the time being in force in the controlled district of the Council relating to hackney carriages;
- **“Private Hire Vehicle”** is a motor vehicle constructed or adapted to have eight or less passenger seats, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers. Private hire vehicles cannot ply for hire on a rank on be hailed in the street and must be pre-booked through a private hire operator licensed by the Council.
- **“Operate”** means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;
- **“Operator’s licence”** means a licence issued by the Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976;
- **“Taximeter”** means any device for calculating the fare to be charged in respect of any journey in a hackney carriage by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both;
- **“Vehicle licence”** means in relation to a hackney carriage a licence under sections 37 to 45 of the Town Police Clauses Act 1847 and in relation to a private hire vehicle means a licence under section 48 of Local Government (Miscellaneous Provisions) Act 1976. Once a vehicle is licensed it remains so 24 hours a day, 7 days a week and must be driven at all times by a person who holds a combined driver’s licence issued by the Council.
- **“Special Event Vehicle”** means a private hire vehicle exclusively used for special occasions. For further information, see Section 6.
- **“Hackney Rank/Stand”** A designated place adopted by the Council where hackney carriages can wait the arrival of a hirer.
- **“Notify the Council”** means notify the Public Protection Team - Licensing of the Council in writing.
- **“Nominated Garage”** means the garage(s) approved by the Council for the purpose of undertaking the mechanical inspections
- **“Vehicle Inspection Report”** means the certificate issued by the Nominated Garage following the vehicle inspection for the purposes of licensing the vehicle.

- **“Licence Plate”** means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage or Private Hire Vehicle
- **“Fit and proper”** The definition of what is a fit and proper person is not set in law but the generally accepted test is; " Would you allow your son or daughter, mother or father, spouse or partner, grandson or granddaughter or any other person you care about get into a vehicle with this person alone?"

The Purpose of Licensing / Licensing Objectives

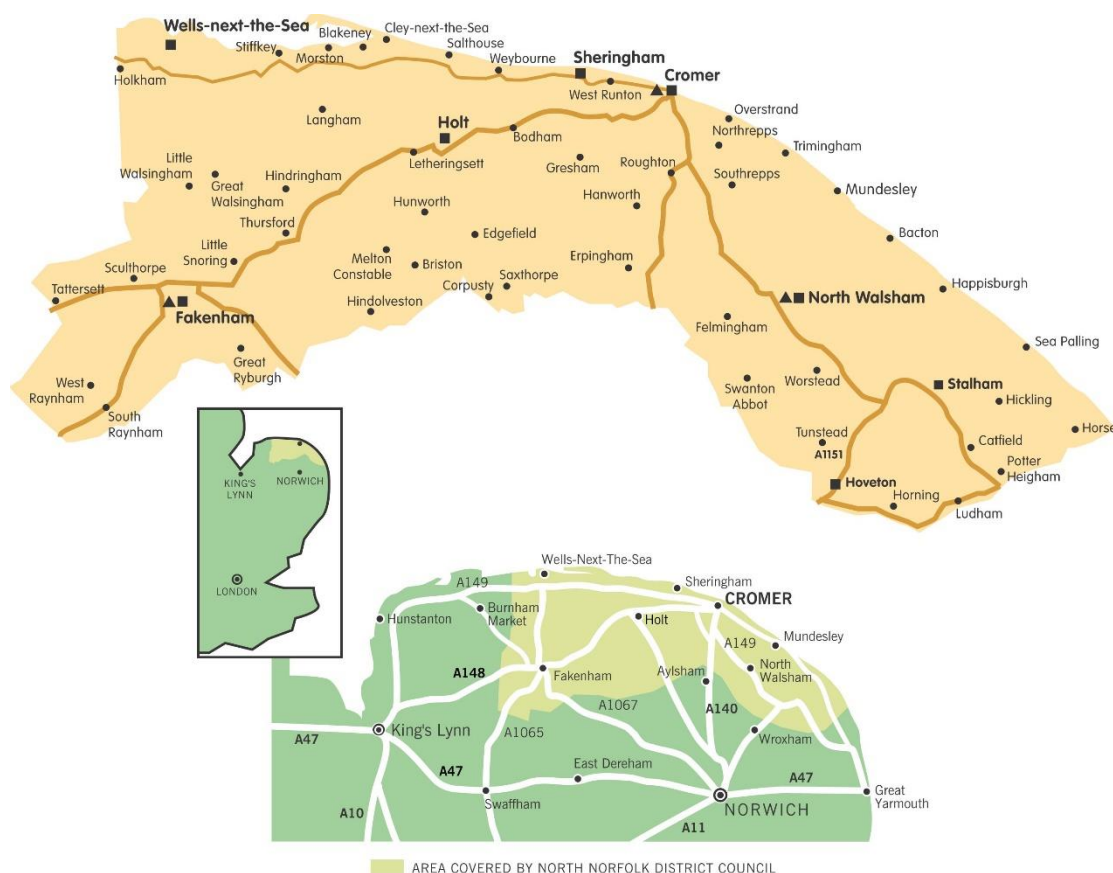
Drivers: The aim of the licensing regime is to ensure that, so far as possible, those licensed to drive either a hackney carriage or private hire vehicle are suitable persons to do so. Suitable means that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit. They also should be honest individuals who would not take advantage of their position to abuse, assault or defraud customers. The general term used in taxi licensing to describe this person is 'fit and proper'.

Vehicles: The Council expects all licensed vehicles to be maintained to the highest standard at all times.

Operators: The Council expects licensed operators to provide a first class customer service in order to promote a high standard to those who live in, work in, or visit the area

1.0 Introduction

1.1 North Norfolk is one of the seven Districts that make up the county of Norfolk. It is predominantly a rural area with five market towns covering some 400 square miles with a population of approximately 99,000. The District and market towns are shown on the map below;



The Council's Role in Taxi Licensing

- 1.2 The Council is responsible for the licensing of all hire vehicles which operate within the district, which are provided with a driver and operated with eight or less passenger seats.
- 1.3 There are two types of vehicle: public hire vehicles (**hackney carriages**) and vehicles that are only available by prior booking arrangement (**private hire vehicles**). Although the description 'taxi' should only be applied to a hackney carriage any hire vehicle is usually known as a 'taxi' by the public.
- 1.4 Before any vehicle is licensed, it must be tested at one of the Council's nominated garages. The test covers the vehicle's mechanics and general appearance, which includes the comfort for passengers and the reliability of any meter fitted.
- 1.5 Private Hire vehicles may only undertake journeys in response to advance bookings. The Council is also responsible for granting private hire operators licences for the premises at which these bookings are made.
- 1.6 The Council is responsible for the licensing of the drivers of both classes of vehicle. Within the scope of legislation, the Council ensures that all drivers are 'fit and proper persons' to be licensed by carrying out checks on an applicant's background.
- 1.7 The Council issue dual driver's licences to all successful applicants, which enables the holder to drive either a hackney carriage vehicle or a private hire vehicle if these vehicles are licensed by this authority.
- 1.8 As part of ensuring drivers are suitable for the job, the Council carries out enhanced Disclosure and Barring Service checks. For more information, visit the Disclosure and Barring Service (DBS) website at;
<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>
- 1.9 The Council also has a responsibility as the 'Enforcement Agency' of the drivers, vehicles and operators it has licensed. Enforcement covers offences related to 'taxi' legislation, driver's behaviour, the condition of the vehicles and the investigation of complaints made against any licence holder.
- 1.10 As well as granting and issuing licences, the Council also has the power to suspend or revoke licences and take Court action if necessary against any offending licence holder.
- 1.11 Licensing and enforcement is carried out by Council officers appointed 'Authorised Officers' for that purpose and they have been issued with written authority to do so, as well as having a Council identity badge.

Hackney Carriage/Private Hire Drivers Licences

- 1.12 In considering new applications for Hackney Carriage/Private Hire Drivers Licences and also any breaches during the currency of a licence, the Council must be satisfied that drivers are fit and proper persons to hold a Licence.
- 1.13 In doing so, they must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct /behaviour, breach of licence conditions

and other convictions obtained during the course of a Licence, in accordance with the convictions policy (Annex B).

- 1.14 When such circumstances occur, the application/driver may be referred to a Licensing Sub Committee for determination.

Referral to the Licensing Sub Committee

- 1.15 Where an applicant or a driver is referred to the Licensing Sub Committee for consideration, they will be notified in writing of the reason and the date, time and venue of the hearing.
- 1.16 They will be advised that they may bring a representative to the hearing. The representative may be a friend, legal representative or a representative from the trade whom they wish to assist them in addressing the Sub Committee in support of their application/disciplinary hearing. But please note that any consultation with a representative should take place in advance of the hearing date and not just prior to the meeting. This will ensure that their case is well prepared for Sub Committee consideration.

Licensing Sub Committee

- 1.17 The Sub Committee will consist of three members made up of District Councillors, who sit on the Licensing and Appeals Committee (of which there are fifteen members in total). A Chairman is appointed to supervise the Sub Committee during the process. A legal representative may advise the Sub Committee.
- 1.18 A number of Council Officers may also attend the hearing, in an advisory capacity. However, they do not take part in the decision making process.

Sub Committee Hearing

- 1.19 A number of applications and disciplinary matters could be considered on the day, including any historic matters. Each matter will be considered on its own merits and the public will be excluded to protect confidentiality where appropriate. In these circumstances the public will not have access to the meeting unless the applicant requests that they should.
- 1.20 When a person is called to appear before the Sub Committee they and their representative and any complainants will be guided to their seats. They will be asked if they have received a copy of the report regarding the circumstances surrounding their case. The Sub Committee will already have a copy of the report. Where the case arises from a complaint, the complainant, if present, will be asked to explain their complaint to the Sub Committee. They will then be given the opportunity to question the complainant.
- 1.21 They will be asked to describe the circumstances surrounding the convictions or incident concerned and asked to demonstrate to the Sub Committee why they think they are a 'fit and proper person' to hold a Hackney Carriage/Private Hire Drivers Licence or why they feel disciplinary action should not be taken.

The Decision

- 1.22 When considering convictions, the Sub Committee will have regard to the 'Guidance relating to the relevance of convictions and cautions' a copy of which is attached at Annex B.
- 1.23 After hearing the evidence and representations from all parties, the Sub Committee will retire to make their decision.
- 1.24 As soon as the Sub Committee have come to a decision they will aim to return to the room and inform the person(s) of their decision. The person(s) will also be advised of the decision in writing together with their rights of appeal. The Sub Committee have a number of options which include the following:
- Grant or refuse application
 - Take no action
 - Issue a verbal warning
 - Suspend or revoke Licence
 - Apply conditions to the licence
 - Require driver to complete Driving Standards Assessment and/or sit Council's Knowledge test, or any other action deemed appropriate
 - Apply NNDC penalty points

Right of Appeal

- 1.25 If the Council refuses the grant of a Vehicle, Operator or Drivers Licence, or in the case of a disciplinary hearing, decide to suspend or revoke a Drivers Licence or any other formal action, the person will have the right of appeal to a Magistrates' Court. In the case of refusal to grant a Hackney Carriage Proprietors Licence, appeal will be to the Crown Court. Appeals must be made to the Magistrate's Court within 21 days.

General Advice

- 1.26 The Sub Committee is a formal meeting where members sit in a quasi-judicial manner. This means that the Sub Committee has to act in a similar fashion to a Court or Tribunal. It is therefore important that persons appearing before Sub Committee should behave and dress in an appropriate manner.
- 1.27 If a person appears before the Sub Committee following a complaint about their conduct, they should not attempt to speak to the complainants / witnesses prior to the meeting as this could be deemed to be harassment.

Serving of Notices

- 1.28 Sub-sections (2) to (5) of S233 of the Local Government Act 1972 shall have effect and are incorporated in the conditions for vehicles, operators and drivers in relation to any notices required or authorised by the conditions to be given or served on the licensee by or on behalf of the Council or any authorised officer.

2.0 Application Process

Driver Application

- 2.1 In addition to the application form, all applications for driver licences must be accompanied by the following:
1. Enhanced Disclosure and Barring Service Report (DBS);
 2. Driver's Medical;
 3. DVLA Driving Licence – (photo card)
 4. DVLA Mandate (D796 form)
 5. Fees;
 6. Passport Size Photograph certified as being a true likeness, or taken by NNDC Customer Services
 7. Driver Standard Agency (DSA) Hackney Carriage/Private Hire Test Assessment Pass Certificate.
 8. Additional documents may be required to ensure that the applicant has the right to work in the UK.
 9. Safeguarding Training
 10. Knowledge Test

Disclosure and Barring Service form (DBS) & Right to Work Check

- 2.2 As part of the application process, the Applicant will obtain a Disclosure and Barring Service disclosure to 'enhanced' standard. The Council has signed a contract with United Medicare Limited to countersign DBS checks. A [Candidate User Guide](#) is available to assist users with their application.
- 2.3 A DBS check can be completed online. Please note Internet Explorer or Firefox are fully supported however you may experience difficulties if using alternative browsers. If you are unable to submit an online application, please make an appointment to visit us and we will guide you through the process. You will also need to make an appointment at the Council for your identity check where your identity documents to be verified.
- 2.4 The DBS process can take up to 8 weeks. Applicants that already have a disclosure and have signed up to the online update service must provide the original disclosure certificate and the unique online reference number so the Council may access their record online.
- 2.5 You will be required to provide us with a new Disclosure and Barring Service check every 3 years unless your licence expires beforehand, or you have signed up for the online update service. Should you wish to re-apply you would be required to submit a new DBS disclosure.
- 2.6 The Disclosure and Barring Service will send the Disclosure to the applicant. The original disclosure document must be produced to the Council's Public Protection Team - Licensing. A disclosure with no convictions will be processed. In all cases the disclosure number recorded and the date of issue will be entered onto our computer system.
- 2.7 A Disclosure with conviction/s and/or cautions may not necessarily mean that you are not a "fit and proper" person to hold a licence. Council officers do not have delegated powers to deal with convictions and/or cautions. We will refer you to the Licensing Sub

Committee to determine whether you are a “fit and proper” person. Depending on the type and age of conviction the Sub Committee may grant a licence, refuse a licence or add conditions as necessary. Please see Annex B for further information.

- 2.8 If an applicant has been resident in any other Country than the UK, preceding an application, a certificate of good conduct from an overseas embassy, or each overseas embassy where the applicant has lived, will be required in addition to the Disclosure and Barring Service Disclosure.
- 2.9 **Usage;** Information revealed on a DBS Disclosure will only be used for the purpose of determining an application in relation to hackney carriages or private hire licensing.
- 2.10 Successful applicants will be notified in writing, and issued, with the appropriate licence. Those who are granted a driver’s licence will be issued with a driver badge, which will remain the property of the council and must be surrendered when the licence is suspended, revoked or has expired.

Right to Work Check

- 2.11 The Council will not issue a hackney carriage or private hire licence unless the individual has a right to work in the UK, [Home Office - A 'Right to work Checklist'](#). All applicants must therefore provide documentation to prove that they have the right to work in the United Kingdom. An application from a person who cannot provide the necessary documentation will be refused by officers under delegated authority.

Rehabilitation of Offenders Act 1974

- 2.12 Applicants for taxi and private hire licensing are exempt from the Rehabilitation of Offenders Act 1974. Therefore, all convictions, regardless of how long ago may be taken in consideration when determining applications. However, in the determining the relevance of convictions the Licensing Sub Committee will take into account the type of offence, the age of the applicant at the time of the offence and the apparent seriousness of the offence. Please see Annex B.

Driver’s Medical

- 2.13 A DVLA Group 2 medical will be required upon initial application and must be carried out by a registered Medical Practitioner. The medical form, which your doctor will be required to complete is available on the [website](#). Subsequent medicals will be required every five years from the point of application and then annually from the age of 65 years. A driver under the age of 65 with a controlled medical condition may also be required to undergo a full medical annually.

DVLA Driving Licence & Mandate

- 2.14 You will need to supply your DVLA driving licence showing your current address. Holders of Photo-card only driving licences are required to supply the photo card and holders of paper licences are required to provide their paper part. There is a DVLA mandate form in each application pack which must be completed and signed. This will be used to obtain your driving licence history from DVLA. This process can take up to two weeks.

Please note: If you have 9 or more current penalty points and/or any previous convictions appear on your DVLA driving licence we may refer your application to a Licensing Sub Committee to ascertain whether you are a 'fit and proper' person to hold a licence.

Fees

- 2.15 Applications with all the relevant supporting documentation will not be accepted without the appropriate fee. It should be noted that the preferred method of payment is be either BACS, cheque or credit/debit card. Any licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

Knowledge Test

- 2.16 You will need to pass the Council's Knowledge Test as part of the application process. The test will include multi-choice questions on Licensing Conditions, the Highway Code, knowledge of the area and literacy and numeracy and it will be conducted online at the Council offices.

Operators Application

- 2.17 Any person who receives bookings or has contracts for the hire and reward for a private hire vehicle is required to hold an operator's licence. Annually, in January, you must provide a list of vehicles and drivers used by the operator. Points will be applied to the Operator licence for failure to provide this information. An operator must be a 'fit and proper person' and is therefore subject to a DBS check (see above).

Vehicle Application

- 2.18 A vehicle application can be processed within 7 days if all the relevant information, including payment, has been supplied and the vehicle meets current conditions (i.e. age/condition etc.).
- 2.19 **Registration Document or Bill of Sale;** for initial applications only you will need to prove that you are the lawful keeper of the vehicle by providing an original copy of the vehicles V5 (vehicle registration document). A bill of sale for that vehicle may be produced if the V5 is not available but the bill must include the date of first registration and the original V5 document must be produced within a calendar month.
- 2.20 **Insurance Certificate;** to enable us to licence a vehicle we require a copy of a valid insurance policy, and schedule or cover note covering the vehicle for Private Hire and/or Hackney Carriage work. Email copies of insurance documents are acceptable provided that your insurance company's original email is forwarded to licensing (public.protection@north-norfolk.gov.uk).
- 2.21 **Vehicle Inspection/MOT;** all vehicles licensed by this Authority require inspection at an nominated garage (the nominated garages can be found on the NNDC website); http://www.northnorfolk.org/files/Taxi_Testing_Station_Information.pdf).

Vehicle Licence Renewals

- 2.22 Vehicle renewal applications will be accepted up to one calendar month before they are due to expire. Vehicle licences will not be granted an earlier renewal date than their current expiry date. Vehicle Registration documents (V5C) are not required to be produced upon renewal of a vehicle licence, providing there has been no material changes to that vehicle/document during the proceeding licence period.

Combined Driver Licence & Private Hire Operator Renewals

- 2.23 Combined Driver Licence renewals and Private Hire Operator Renewals will be accepted up to one calendar month before they are due to expire.

Other than insurance or other original documents issued and sent by email all documentation must be originals. Photocopies, scanned or fax copy in other circumstances is not acceptable under any circumstances.

Refund of Licence Fees – (not applicable to Insurance/lease vehicles)

- 2.24 In the event that a driver, vehicle or operator licence is not granted then the Council will refund the licence application fee. This does not apply to the other fees e.g. knowledge test, medical and DBS disclosure application.
- 2.25 Should a vehicle or operator licence be surrendered during the life of the licence then a pro-rata refund (less admin fee) will be given for the unexpired portion of the licence. The date will be calculated from the date the licence is returned to the Council. Refunds will **not** be given for licences that are suspended or revoked.

Death of Licence Holder

- 2.26 A licence will immediately lapse in the event of death of the licence holder. In the case of a vehicle licence, a licence may be transferred using the normal procedure within 3 calendar months. A private hire operator licence may not be transferred into another person's name.

3.0 All Vehicles

- 3.1 The Council will not grant or renew a licence unless satisfied that the vehicle is suitable to be a licensed vehicle, is in a suitable mechanical condition (meeting the requirements of the vehicle inspection), safe and comfortable.

Duration of Licence

- 3.2 A vehicle licence, once granted, will be issued for a maximum period of one year.

Insurance

- 3.4 A vehicle must have a current certificate of insurance or cover note which clearly covers the use to which the vehicle is to be put.
- 3.5 It shall be the responsibility of the proprietor of a licensed vehicle to produce proof of continuous insurance cover. The insurance proof is to be reviewed by the licensing authority within seven days of the expiry of the preceding certificate or cover note.

- 3.6 If the proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith or within seven clear days of the request to an authorised officer of the Council. Failure to comply may result in the immediate suspension of the vehicle licence by authorised officers using delegated authority. The suspension will remain in place until a satisfactory certificate of insurance is produced.

Excise Duty (Road Tax) & Vehicle Registration Document (V5)

- 3.7 There should be a valid excise duty for the vehicle at all times.
- 3.8 A full vehicle registration document must be produced at the grant of a licence, or as soon as is reasonable - and following any change to the original document.

Age Requirement

- 3.9 All hackney carriage and private hire vehicles will not normally be considered for licensing unless they are under 10 years of age from date of first registration (date as shown on DVLA registration document). Vehicles presented for licensing that are less than 5 years of age will require an annual Vehicle Inspection Report to be completed by one of the nominated garages. Vehicles over 5 years will be required to have a Vehicle Inspection Report every 6 months:
- 3.10 Vehicles that are over 10 years may be considered by the Council 's Licensing Sub Committee who may grant the licence if the vehicle is considered 'exceptional'.
- 3.11 In the following list are factors that will be taken into consideration in determining 'exceptional', but it is not exhaustive:
- Condition of bodywork (e.g. no dents, scratches, stone, chips or rust around wheel arches);
 - Original manufacturer's colour and trim combination;
 - Immaculate interior, in original condition, free of damage and with only minor wear and tear;
 - Full service history showing regular service dates, with the relevant garage stamp;
 - Full documentation (i.e. garage receipts showing schedule of works carried out);
- 3.12 **Renewal of Vehicle Licences;** Renewal applications for Hackney Carriages and Private Hire Vehicles will only be granted if they continue to meet the required conditions and pass a mechanical inspection by one of the nominated garages.
- 3.13 Any vehicles presented for licensing that do not meet the above criteria will be refused by authorised officers using delegated powers. Applicants may appeal these decisions to the Magistrates' Court, or in case of a hackney carriage appeal to the Crown Court.

Exceptions to Age Requirement

- 3.14 Special Event Vehicles are exempt from the general age policy and fall into the following categories:
- **Executive Vehicles** presented for licensing for the first time must not be older than 3 years on the day the application is received.

- **American Stretch Limousines** presented for licensing for the first time must not be older than 7 years on the day the application is received.
- **Historic Vehicles** presented for licensing for the first time must not be constructed less than 40 years ago. Note: In accordance with DVLA taxation class for Historic Vehicles.

3.15 Vehicles not meeting the above criteria may be referred to the Council 's Licensing Sub Committee who may grant the licence if the vehicle is considered 'exceptional'. (see Condition 3.11).

Vehicle Specifications

- 3.16 The vehicle shall have side opening doors for each passenger (designed for the purpose of permitting persons' access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons' access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons' access to/from the interior).
- 3.17 Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.
- 3.18 Other than a vehicle classed as a special event vehicle the vehicle must be right-hand drive.
- 3.19 The vehicle must have European Community Whole Vehicle Type Approval (ECWVTA) and must show category M1 on the V5C/logbook.
- 3.20 If the requirements in Condition 3.19 above cannot be satisfied, or if the vehicle has been altered from the original manufacturers specification, then a Driver and Vehicle Standards Agency (DVSA) Individual Vehicle approval (IVA) or Voluntary Individual Vehicle Approval (VIVA) inspection must be undertaken and a satisfactory report produced.
- 3.21 In the case of a Private Hire vehicle its appearance must not lead people to believe it is a Hackney Carriage Vehicle.
- 3.22 The vehicle must have seats with a minimum width of not less than 400mm per person.
- 3.23 The vehicle shall be fitted with appropriate seatbelts to the front and rear seats of the vehicle.
- 3.24 Estate versions of saloon vehicles fitted with seats in the rear luggage compartment may be licensed for more than 4 passengers, but the operator/proprietor must inform the customer that the vehicle has seats in the rear luggage compartment at the time of booking.
- 3.25 The vehicle shall have a sufficient engine capacity (usually considered as 1400cc). Any hybrid/LPG, electric or other alternatively powered vehicle must have an engine size that is sufficient for use at full capacity.

Wheelchair Accessible Specifications

- 3.26 A vehicle complying with the specifications required by the Disability Discrimination Act must be adapted or designed to carry at least one wheelchair bound passenger:
- there must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn
 - there must be sufficient space for a wheelchair to travel
 - A 4-point anchorage system must be fitted, comprising two for attachment at the front of the wheelchair and two at the rear of the wheelchair, in accordance with ISO 10542-2.
 - there must be a separate means of securing the chair and the wheelchair occupant.
 - there must be wheelchair ramps carried in the vehicle.
- 3.27 A vehicle designed or adapted in accordance with the above may carry a maximum of two signs indicating that it is capable of carrying wheelchair bound passengers; any swivel seat fitted must meet the requirements of the above Act.
- 3.28 If a mechanical hoist is fitted to the vehicle this will be required to be inspected annually by the manufacturer or his approved agent and a certificate produced to that effect.

Lifts/Ramps

- 3.29 Access to the vehicle must be possible from the road or pavement either by a lift or ramp. Any power-operated device must be capable of manual operation in the event of a power failure. The boarding device must have a safe working load of 300kg and operate under normal loading conditions without undue deflection.

Ramps

- 3.30 A ramp should be of slip resistance material and at least 750mm in width. The ramp should be capable of being deployed both onto the road and onto a 125mm high kerb. The ramp when deployed should be securely located at the point of entry to the vehicle. For side loading the ramp when deployed to the pavement should not exceed a slope of 1:4. For rear loading the ramp when deployed to the road should not exceed 1:4. When not in use the ramp should be securely stored in such a manner as not to block any of the vehicle doors and not to present a hazard to the vehicle occupants.

Lifts

- 3.31 The lift platform must be not less than 750mm in width and not less than 1200mm in length. The ramp should be equipped with a device to prevent the wheelchair rolling off and should operate at a vertical speed of less than 0.15m/s.

Roof / Boot Racks & Bullbars

- 3.32 No roof, boot racks or bullbars may be fitted to licensed vehicles during the currency of the licence.

Carriage of Portable Oxygen Tanks

- 3.33 Hackney carriage/private hire vehicle drivers will accept the carriage of portable oxygen tanks for passengers that require their usage for medical purposes.

Vehicle Testing

- 3.34 No vehicle shall be first licensed or re-licensed unless the vehicle has passed the vehicle inspection at one of the Council's approved and nominated testing stations. All hackney carriage and private hire vehicles after 5 years (date as shown on DVLA V5 registration document) shall have a vehicle compliance test at an approved Vehicle Testing Station every 6 months. In addition, an authorised officer of the Council may inspect a vehicle for first licensing and/or upon renewal.
- 3.35 The Council will not consider a grant or renewal of a vehicle licence unless it has been examined in accordance with the Council's Hackney Carriage and Private Hire Vehicle [Compliance Testing Standards](#).
- 3.36 Costs of such testing is payable by the person wishing to licence the vehicle. In addition, the history of the vehicle may be taken into consideration when determining whether the vehicle should be licensed.
- 3.37 The 6 monthly compliance test certificate required for vehicles over 5 years old (see 3.34 above) must be produced to the Council within 7 days of the date of the test. Tests can be carried out by an approved testing station up to one calendar month before the 6 monthly point of the licence.
- 3.38 A vehicle which fails an inspection/safety check during the currency of a licence with the Council will have the fault(s) rectified and the vehicle re-inspected at the same testing station within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.
- 3.39 A vehicle may be inspected by an authorised officer of the Council or a Police Officer, at any reasonable time. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle, he may give written notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the authorised officer or police officer is so satisfied. If the authorised officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).

Altered Vehicles

- 3.40 Any vehicle which has been altered from the original manufacturers specification, re-registered or has been an insurance loss (categories C and D only) shall only be considered for licensing if the vehicle has been subjected to a satisfactory IVA or VIVA test (engineers report) from the Driver and Vehicle Standards Agency (DVSA).
- 3.41 Vehicles without a DVSA engineers report will only be considered for licensing if they have been built to the manufacturers original specification.
- 3.42 The IVA test is appropriate for vehicles not previously registered in the UK, and a VIVA for vehicles registered in the UK to prove compliance.
- 3.43 Category A and B (as defined by the Code of Practice for the Disposal of Motor Vehicle Salvage) write offs will not be considered fit for licensing.

Vehicle Inspections

- 3.44 All vehicles being presented for testing at one of the approved Council testing stations shall be in clean condition to allow the tester to inspect the vehicle. The tester may refuse to test a vehicle that does not conform to this requirement.

Exterior Bodywork and Wheel trims

- 3.45 The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer's original specification.

Vehicle Accidents / Damage to Vehicle

- 3.46 The proprietor of a private hire/hackney carriage vehicle must report to the Council in writing (by way of a prescribed accident notification and vehicle damage form) as soon as possible or in any event within 72 hours, any accident or incident which has caused damage to the vehicle or to any other property (i.e. other vehicle, fence post etc.). An example of the accident notification and vehicle damage form is attached at Annex A and can be obtained from the Council.
- 3.47 The Authorised Officer/Agent will inspect the vehicle and make a decision as to whether or not the vehicle can continue in service
- 3.48 If the vehicle can continue in service until a permanent repair is undertaken, the repair must be completed within a maximum of 28 days of the Authorised Officer/Agent's decision
- 3.49 If any damage is considered by the Authorised Officer/Agent to be extensive enough to affect the safety or general appearance of the vehicle, it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired, submitted for a Council vehicle inspection and the cosmetic appearance inspected by an Authorised Officer/Agent, before the plate is re-affixed and the vehicle returned to service
- 3.50 In the case of any dispute the matter will be referred to the Council's Licensing Sub Committee
- 3.51 Any replacement vehicle, either a short-term or permanent replacement, must comply with licensing prerequisites. A completed application form must be submitted together with the other necessary documents and the appropriate fee, before being used as a licensed vehicle. If all the above items and all conditions are met and are satisfactory, the licence will be produced within seven working days from receipt of an acceptable application.
- 3.52 It is not necessary to report a stone chip or other similar very minor damage to a licensed vehicle providing no damage has been caused to a person or property, and the damage would pass a compliance test.

Fire Equipment & First Aid

3.53 The following equipment shall be provided and maintained in all licensed vehicles at all times.

3.53.1 Fire Extinguisher: To be carried in such a position as to be readily accessible and available in any emergency. The fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF. Fire extinguishers must be maintained in accordance with BS5306 Part 3 i.e. they must have an annual service, a five-yearly service and refilled. These tests must be carried out by a BAFE certified engineer and new tags and seals must be placed on each extinguisher after inspection. A unique identification tags will be provided for each extinguisher and must be affixed to the extinguisher at all times.

3.53.2 First Aid: The first-aid kit is for self-administration only. The following contents must be presented in a suitable container marked 'First Aid' positioned so that it is readily available for use. Contents must comply with Health & Safety (First Aid) Regulations 1981;

- a leaflet giving general guidance on first aid (for example, HSE's leaflet [Basic advice on first aid at work](#));
- individually wrapped sterile plasters (assorted sizes), appropriate to the type of work (hypoallergenic plasters can be provided if necessary);
- sterile eye pads;
- individually wrapped triangular bandages, preferably sterile;
- safety pins;
- large sterile individually wrapped un-medicated wound dressings;
- medium-sized sterile individually wrapped un-medicated wound dressings;
- disposable gloves

Change of Address

3.54 A licence holder must inform the Council of any change of address, in writing, before the change where possible, or within 7 days.

Citizen Band Radios

3.55 No citizen band radios may be fitted in any licensed hackney carriage or private hire vehicle.

Radio Scanning Devices

3.56 No radio scanning devices of whatsoever type or sort may be fitted to, carried in or used in or in the vicinity of any Hackney Carriage or Private Hire Vehicle during the currency of the licence.

CCTV Cameras

- 3.57 Suitable internal and external equipment, capable of recording both audio and video, may be installed, subject to the written approval of the Council, in all licensed vehicles. If fitted the system must comply with the ICO code and General Data Protection Regulation requirements.

Upholstery

- 3.58 All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable other than 'fair, wear & tear'. Upholstery includes seats, headrests, armrests, carpets and other trim.

Ventilation

- 3.59 All vehicles shall have suitable and adequate ventilation.

Fittings

- 3.60 All fittings shall be properly maintained and in good working order. Fittings include clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair bound passengers.
- 3.61 The vehicle must be kept free from damage and maintained in good condition both internally and externally.

Roof and Floor Coverings

- 3.62 These should be clean and in good condition, with no tears or other damage.

LPG Conversions for existing licensed vehicles

- 3.63 Any vehicle proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following conditions.
- LPG systems must be fitted in accordance with LPGA Code of Practice 11.
 - That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.
 - If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely placed in a position not obstructing the entire luggage space.
 - The proprietor of the vehicle must notify DVLA Swansea of the change in fuel from petrol to both LPG and petrol.
 - The vehicle must be annually serviced by a person competent in LPG powered vehicles.

New applicants - Vehicles Powered by Liquid Petroleum Gas (LPG)

- 3.64 An applicant for a licence involving a vehicle which has been converted to run on LPG will be required to produce, prior to a licence being issued, a certificate stating that the LPG system has been fitted in accordance with LPGA Code of Practice 11.

- 3.65 The vehicle will be required to undergo an annual service by a person competent in LPG powered vehicles in addition to the Councils require vehicle inspection at a one of its nominated garages.
- 3.66 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the storage of a reasonable amount of luggage and any spare wheel displaced as a result must be stored in a location that does not impinge on the passenger carrying area of a vehicle.

Low Emission and Electric Vehicles

- 3.67 The Council encourages the uptake of low emission and electric vehicles in the District. The authority will seek to examine the feasibility of introducing schemes which help improve the charging network and aid drivers in testing and purchasing electric vehicles.
- 3.68 The Authority recognizes that low emission vehicles can have a positive impact on the environment and any application receives for other low and ultra-low emission vehicles will be considered on its own merits
- 3.69 The Council will waive the initial vehicle licence application fee for any application to licence a fully Electric Vehicle (EV) received for one calendar year from the date this policy became effective.

Tinted Windows

- 3.70 Tinted windows must comply with the Road Vehicles (Construction & Use) Regulations which specify the minimum levels of light that must pass through the windscreen and front side windows. The limits are:
- The light transmitted through the windscreen must be at least 75%; and
 - The front side windows must allow at least 70% of light to be transmitted through them.

Unfit Vehicle Notices

- 3.71 Unfit Vehicle notices can be issued by Authorised Officers and Police Officers where vehicle defects give cause for concern.
- 3.72 Immediate Unfit Notices will be given if the vehicle appears to be unsafe to carry members of the public. Once a Notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to either an authorised officer or the Councils approved testing station with the faults rectified. Only after this will the Notice be lifted and the vehicle can then be used for hire.
- 3.73 If the Notice is not lifted within two-months, the vehicle licence will be deemed revoked.
- 3.74 Deferred Notices can be issued which means the vehicle can continue to be used for the time specified and the faults rectified within a specified time. When the faults are rectified the vehicle must be presented to a Council approved testing station for inspection.

External / Internal Advertising and Signs

- 3.75 No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems, other than those mentioned below shall be displayed on, in or from the vehicle.
- Signs permitted are:
 - any registration number
 - any sign required by statute or subordinate legislation
 - any sign on a taximeter indicating that the vehicle is for hire
 - the internal and external licence plates giving the licence number and the maximum number of passengers to be carried on the outside rear of the vehicle.
 - the roof sign referred to in the Section 4 'Hackney Carriage Vehicles'
 - any sign indicating membership of a national motoring organisation
 - any sign informing passengers not to smoke in the vehicle
 - the tariff card
 - any sign approved by the Council to indicate that the payment of fares may be made by debit/credit card shall be displayed on the front windscreen of the vehicle
 - any sign provided by the Norfolk County Council to show that the vehicle is used for school contracts shall be displayed in the windscreen in such a manner so as not to obstruct the driver's vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.
 - any other sign specifically approved in writing by the Council must meet the conditions as set out above,
 - no sign may contain any material of a religious or political nature or contain any matter likely to cause offence.
 - In the case of Private Hire Vehicles signage is subject to the specific exclusion of the words "taxi" or "cab" the use of which will not be permitted.
- 3.76 Any sign permitted must be positioned so as not to impede visibility. No sign shall be placed on the rear window of the vehicle. No hanging obstruction shall be placed in any part of the vehicle.
- 3.77 The Council will allow advertisements to be placed upon a vehicle subject to the following:
- The proprietor of a licensed vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Council.
 - Advertising is to be limited to the back door panels of licensed vehicles only. Advertising on parts of the vehicle in addition to the back door panels may be considered but only after prior written approval of the Council has been given. However, no advertising will be permitted on the windows of the vehicle.
 - All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Council reserves the right to require the licensee to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
 - No advertisement will be permitted that relates to or advertises alcohol, nudity, gambling, smoking materials or others of a political nature.
 - The same advertising must be displayed on the nearside and offside doors of vehicles.
 - Any advertising may cover both back doors.
 - Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.
 - In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi" or "cab" the use of which will not be permitted.

Vehicle Identification – External Licence Plate

- 3.78 The vehicle licence plate shall be securely fixed and displayed outside and on the rear of the vehicle and shall be clearly visible during daylight hours from a distance of not less than 5 metres. The licence plate must not obstruct any signage prescribed by the Council or any lights or the vehicles registration mark. Any items such as tow bars must not obstruct the licence plate.
- 3.79 The Licence Plate shall be fixed in a permanent manner and displayed outside and on the rear of the vehicle, either immediately above or below the bumper. It shall be fixed in such a position that it and the vehicle's registration mark is not obscured, with its particulars facing outwards. The figures and numbers endorsed thereon are distinct and legible.
- 3.80 The licence plate is the property of the Council to whom it must be returned without delay and within 7 days of demand if the licence is suspended, revoked or not renewed for any reason. Authorised officers are entitled to physically remove the plate from the vehicle and retain it where necessary.
- 3.81 The requirements to display the Licence Plate on a Private Hire Vehicle do not apply if an exemption notice has been issued in writing by the licensing authority under section 75 of the Local Government (Miscellaneous Provisions) Act 1976, on any occasion specified in that exemption, and the Licence Plate is in the vehicle as specified in the exemption

Vehicle Identification – Internal Licence

- 3.82 The internal vehicle licence shall be fixed and displayed inside the front windscreen on the passenger side of the vehicle in the top left corner and must not be obstructed.

Reporting a Lost, Damaged or Stolen Licence Plate

- 3.83 The vehicle proprietor/licensee shall inform the Council by the next working day should the licence plate become lost, damaged or stolen. If lost or stolen, the matter shall be reported to the police and a relevant reference number shall be required (i.e. Crime Number or Lost Property reference). On no account must a hackney carriage ply for hire without a correctly displayed plate, as required under the Police Town Clauses Act 1947, Sections 51 and 52.

List of drivers to be maintained

- 3.84 The vehicle proprietor/licensee shall maintain a list of names and addresses of all persons that have use of that licensed vehicle. The list shall be made available to authorised officers upon request.

Trailers attached to Licensed Vehicles

- 3.85 The proprietor of a licensed vehicle may attach a trailer for carrying luggage when required, subject to the completion of the relevant application, and providing that an external trailer licence plate is affixed to the rear of the trailer. The licence plate must be the same as the vehicle licence plate, with the addition of a trailer identification mark.
- 3.85.1 Trailers cannot be used by Hackney Carriage vehicles when plying for hire on a Hackney Carriage Stand.

- 3.85.2 The trailer must at all times comply with all Road Traffic legislation requirements, in particular those laid down in the Road Vehicles (Construction and use) Regulations 1986
- 3.86 No licensed vehicle may tow any trailer unless evidence of valid insurance (see below) to cover such use of hire and reward has been produced to the Council and the licence endorsed. The driver must hold the appropriate towing licence issued by the DVLA.
- a current certificate of insurance must be produced which covers the use of the trailer and the vehicle to be licensed to tow it: and
 - public liability insurance to the value of £100,000 must be produced to cover any luggage carried in the trailer.
 - No advertisement will be allowed to be displayed on the trailer
- 3.87 Trailers must comply with the following standards:
- Un-braked trailers shall be less than 750kg gross weight;
 - Trailers over 750kg gross weight shall be braked acting on at least 2 road wheels;
 - The towing vehicle must have a kerb weight at least twice the gross weight of the trailer;
 - A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use;
 - The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling;
 - The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres;
 - The maximum length for braked axle trailers is 5.54 metres.

Change of Use

- 3.88 Once a Hackney Carriage or Private Hire vehicle has passed first registration it will not be considered as a new application if a change of use between either category is requested, or if the licence has previously lapsed and is being re-instated. This is conditional that the vehicle held a vehicle licence issued by this authority in the preceding 3 months, and that the previous licence holder makes the new application.

4.0 Hackney Carriage Vehicles

- 4.1 The following are conditions attached to the hackney carriage vehicle licence. These conditions are additional to the requirements imposed upon proprietors by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution. These conditions are equally applicable when the hackney carriage is being used for private hire purposes.

Insurance

- 4.2 The proprietor shall keep in force, in relation to the use of the hackney carriage, a policy of insurance in respect of public hire and complying with the provisions of Section 145 of Part VIA Road Traffic Act 1988, which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. The certificate of insurance and schedule must be produced, on demand to an authorised officer of the Council for inspection.

- 4.3 It shall be the responsibility of the proprietor of a hackney carriage to produce proof of continuous insurance cover in respect of public hire. The insurance proof is to be reviewed by the licensing authority within seven days of the expiry of the preceding certificate or cover note.
- 4.4 If the proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith or within seven clear days of the request to an authorised officer of the Council. Failure to comply may result in suspension of the Hackney Carriage Vehicle licence.

Transfer of interest in the vehicle

- 4.5 If a proprietor of a licensed hackney carriage vehicle transfers his interest, in whole or in part, in the vehicle to any other person not specified in the vehicle licence, he must notify the Council within 14 days using the appropriate form. The form must be accompanied by any fee and supporting documents.

Taximeters

- 4.6 All Hackney Carriage vehicles licensed or to be licensed shall have a taximeter fitted. Each taximeter shall be tested by one of the Council's approved testing stations in order to establish that the meter reflects the fares prescribed in the current Hackney Carriage Fare Tariff approved by the Council.
- 4.7 The taximeter shall be placed in a safe position and so far as possible so that all letters and figures on the face thereof shall be at all times plainly visible to any persons being conveyed in the carriage. For that purpose, the letter and figures shall be capable of being suitably illuminated during the period of hiring.
- 4.8 The driver of a hackney carriage shall, at the commencement of the journey, activate the meter so that the word 'Hired' is clearly visible and shall keep the meter operating until the termination of the hiring – 'Commencement of the journey' means:
- When the hirer enters the vehicle.
 - When the driver has attended at an appointed place, and has made his presence known to the hirer.
 - When the driver has presented him/herself at an appointed place at a specified time.
- 4.9 The driver of a Hackney Carriage Vehicle shall when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate a sign, which shall bare the words 'For Hire' in clear legible letters.
- 4.10 Any taximeter fitted to a Hackney Carriage Vehicle, which has been adjusted or repaired shall have the taximeter retested by one of the Council's approved testing stations.
- 4.11 The taximeter shall clearly display a fare not exceeding the rate or fare approved by the Council.
- 4.12 The taximeter and all the fitting thereof shall be so affixed to the carriage with security seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently disabling the security seals.

Inspection of Vehicle and Taxi Meter

- 4.13 A taxi meter fitted to a licensed vehicle may be inspected by an authorised officer of the Council or by a Police Officer at all reasonable times.

- 4.14 If the officer or constable inspecting the vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may without prejudice to the taxi meter condition, give written notice to the proprietor to make the Hackney Carriage and/or taxi meter available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the officer or constable is satisfied as to the vehicles fitness or as to the accuracy of the taxi meter.
- 4.15 If the officer or constable is not so satisfied within two months of the initial inspection, the Hackney Carriage Licence shall be deemed revoked.

Roof Signs

- 4.16 All Hackney Carriage vehicles must be fitted with roof-mounted signs.
- 4.17 Roof signs fitted upon a Hackney Carriage Vehicle must be white in colour and shall be securely fitted to the vehicle and must be of a design and shape approved by the Council.
- 4.18 All Hackney Carriage Vehicle roof signs shall display the wording 'taxi' on the front. The sign shall be capable of being illuminated internally in such a manner that the word 'TAXI' is illuminated at all times when the vehicle is plying for hire, but not otherwise. The sign may include the name and landline telephone number of the hackney carriage company
- 4.19 All wording shall be black in colour and the word 'TAXI' must be readable from a distance of 20 metres.

Vehicle Inspections

- 4.20 A vehicle which fails a compliance inspection/safety check during the currency of a licence will have the fault (s) rectified and the vehicle re-inspected within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.
- 4.21 A Hackney Carriage may be inspected by an authorised officer of the Council or a police officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the proprietor to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the officer or police officer is so satisfied.
- 4.22 If the authorised officer or police officer is not so satisfied within two months of the initial inspection the Hackney Carriage vehicle licence shall be deemed revoked.

Alteration of Vehicle

- 4.23 During the currency of the Licence, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior written approval of the Council.

Passengers

- 4.24 The proprietor or owner of a Licensed Hackney Carriage shall not permit to be conveyed in the vehicle a greater number of persons than prescribed on the licence for the vehicle.

4.25 The driver of a Licensed Hackney Carriage shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in the vehicle.

4.26 A driver shall not refuse to carry fewer persons than the number marked on the plate.

Unattended Taxis

4.27 No Hackney Carriage may be left on a taxi rank designated by Section 65 Local Government (Miscellaneous Provisions) Act 1976 or a Local Traffic Order without a licensed driver in attendance to take care of it whilst plying for hire.

5.0 Private Hire Vehicles

Roof Signs

5.1 The Council will not permit a private hire vehicle to be fitted with a roof-mounted sign of any kind.

Transfer of vehicle

5.2 If a proprietor of a private hire vehicle transfers his interest, in whole or in part, in the vehicle to any other person not specified in the vehicle licence he must notify the Council within 14 days using the appropriate form. The form must be accompanied by any fee and supporting documents.

Vehicle Signage

5.3 The private hire vehicle shall not display any sign, which consists of or includes the word 'Taxi' or 'Cab' whether singular or plural, or 'Hire', or any word of a similar meaning or appearance to any of those words, whether alone or as part of another word. The only exceptions are:

5.3.1 The word 'Hire' displayed on a private hire vehicle is when the word is used in conjunction with the word 'Private' to form the term 'Private Hire'.

5.3.2 To meet the requirements of Condition 5.4 below.

5.4 A sign must be displayed in a prominent position on each front side door of the vehicle displaying either:

5.4.1 Council logo with the wording 'Pre-Booked Only', no 'advance booking', 'no insurance', or

5.4.2 Council logo and specifying the operator name, telephone number for bookings, with the wording 'Pre-Booked Only'

5.5 The sign must be in either of the prescribed formats (see example 'A' and 'B' below) and must be affixed to the vehicle by a Council authorised sign maker. Removable signs e.g. magnetic will not be permitted. The signage is only obtainable via the Council's licensing team and must be fitted within 14 days of the date the signage is ready and available with the signage company. Examples of permitted private hire signage:

Example A

NNDC LOGO
Pre-Booked Only

**INSURANCE INVALID UNLESS
BOOKED WITH OPERATOR**

Example B

NNDC LOGO
North Norfolk Cars
Pre-Booked Only
Tel; 01263 xxxxxx

- 5.6 In the event that a private hire vehicle changes private hire operator and the vehicle bears signage in the form of 'Example B' above then new signage will be required. This must be ordered through the Council within 7 days of the change taking place. As 'Example A' does not identify the operator then no change of signage will be required on change of operator.

6.0 Special Event Vehicles

Application in Writing

- 6.1 Any person wishing to apply for a special event vehicle licence will be required to apply in writing stating the type and age of vehicle they intend to use and the reasons why they believe that they should be considered for this vehicle category. Vehicles issued with a special event licence shall only be used for special occasions and executive business contracts. Vehicles licensed within this category shall not be used for everyday private hire use, e.g. 'school contracts' but must work under the control of a private hire operator.

Sale of Alcohol

- 6.2 The licensee shall not facilitate the sale of alcohol unless there is in force an appropriate authorisation under the Licensing Act 2003 (either a premises licence or temporary event notice) permitting the sale of alcohol.

Types of Vehicle

- 6.3 Special event vehicles are a type of private hire vehicle and fall into one of the following categories:
- Executive Vehicles;
 - Novelty Vehicles
 - Stretched Limousines;
 - Historic Vehicles

Age Requirements

- 6.4 Executive Vehicles presented for licensing for the first time should not normally be older than 5 years on the day the application is received.
- 6.5 Stretch Limousines presented for licensing for the first time should not normally be older than 7 years on the day the application is received.
- 6.6 Historic Vehicles presented for licensing for the first time must not have been constructed no less than 40 years ago. Note: This is in accordance with DVLA taxation class for Historic Vehicles.

Licence Plate

- 6.7 The vehicle licence plate will be required to be fixed to the inside of the boot lid on the vehicle.

Communication Equipment

- 6.8 No vehicle shall be fitted with a two-way radio system.

Dress Code

- 6.9 Drivers of special event vehicles will be required to observe a 'smart casual' dress code e.g. no jeans, no t-shirts, no sportswear etc. A minimum acceptable standard for men includes shoes, trousers and a formal shirt (i.e. with collar). For women a minimum acceptable standard includes shoes, trousers or skirt and a blouse or jumper.

Minimum Booking Fee

- 6.10 Vehicles shall not be offered for hire for less than a £30 minimum booking fee. A receipt must be given to the customer in all cases, unless covered by a contract and receipts and contracts should be available to authorised officers of the Council for inspection;

Stretched Limousines

- 6.11 A "stretched limousine", is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. An "American stretched limousine" is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
- 6.12 The purpose of this Policy and subsequent conditions is to protect public safety. The conditions will apply in addition to the Council's standard conditions for private hire vehicles and take account of the fact that stretched limousines will:
- travel generally at slower speeds than normal taxis;
 - not normally overtake other vehicles;
 - be easily recognisable by the hirer;
 - be heavier and considerably longer than standard cars;
 - be adapted or converted by someone other than the original manufacturer.
- 6.13 For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat is 400mm (16 inches). In the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.
- 6.14 In the case of a stretched limousine, or an American stretched limousine, where the vehicle has been constructed or adapted to seat up to 8 passengers, originals of the following documentation will be required by the Council before an initial application for a vehicle licence can be considered:
- Completed importation documentation where applicable and individual vehicle approval (IVA) or Voluntary Individual Vehicle Approval (VIVA) certificate.
 - Proof the 'stretch' was performed by the manufacturer or by a Coachbuilder approved by the vehicle manufacturer i.e. American Limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.
 - DVLA Registration Document (V5).
 - Valid Certificate of Insurance, with cover for hire and reward.

- Current MOT certificate issued by an approved Testing Station.
- Where applicable, an installation certificate from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
- Valid Road Vehicle Excise licence.

Replacement Parts

- 6.15 Any replacement parts fitted to stretch limousine vehicles must meet the approved standards of the stretched specifications i.e. tyres will not only have to meet the size specifications, but must also meet the weight specification.

Window Tints

- 6.16 Stretch limousines are exempt from Condition 3.71 regarding tinted windows fitted to the side and rear window glass of the vehicle. The driver and passenger front side window glass and the front windscreen (cockpit area) must meet legal requirements.

Private Hire Operator – Additional Requirement

- 6.17 Special event vehicles must be specifically requested by the customer and it is not for the operator to determine which class of vehicle should be assigned to the booking. In addition to the private hire operator records required under Section 8, operators of special event vehicles are to maintain a record of the nature of the special event i.e. why the customer requested a special event vehicle.

7.0 Combined Hackney Carriage & Private Hire Driver's Licences

General Requirements

- 7.1 Before a person is licensed, or renews a licence, as a licensed driver the following requirements shall be met:
- 7.1.1 All applicants/Drivers must be in possession of a full driving licence issued by the DVLA or a licence from an EEA or EU state and that licence must have been in place, for at least, the preceding 12 months.
 - 7.1.2 Any applicant must be medically examined by a qualified medical practitioner at the practice where the applicant is registered and must be considered fit enough to meet at least the standards required for the grant of a Group II driving licence as recommended by the Driver Vehicle Licensing Agency. Medical certificates supplied upon first registration will be accepted if dated up to 4 months before the date of initial application.
 - 7.1.3 An enquiry shall be made of the DVLA to establish the validity of any applicant's UK driving licence and any motoring convictions recorded against him/her in order to confirm that the applicant is a fit and proper person to hold, or continue to hold, a licence. The applicant will be required to authorise the Council to make such enquiries.
 - 7.1.4 An applicant's criminal record shall be obtained via the Disclosure and Barring Service at "enhanced" level in order to confirm that the applicant is a fit and proper person to hold a licence. The applicant will be required to complete the necessary forms for the purpose. If a Disclosure and Barring Service check is not available,

the applicant must provide a certificate of good citizenship or equivalent from every country where the applicant has been resident.

- 7.1.5 Any applicant must make a declaration (by means of a form or questionnaire provided for the purpose) as to any criminal or motoring convictions recorded or pending against him/her in order to confirm that the applicant is a fit and proper person to hold a licence.
- 7.1.6 The applicant must have a right to work in the UK.
- 7.2 The DVLA driving licence must cover the appropriate category for the vehicle being driven.
- 7.3 A DVLA Group II medical will be required for all holders of a Combined Driver's licence, upon initial application and must be carried out by a registered Medical Practitioner. The medical form, which your doctor will be required to complete is available on the [website](#). Subsequent medicals will be required every five years from the point of application and then annually from the age of 65 years. A driver under the age of 65 with a controlled medical condition may also be required to undergo a full medical annually. An authorised officer of the Council may, upon reasonable request ask for a driver to complete a medical at any time.
- 7.4 If a medical certificate is not produced when requested, the Council may consider suspension/revocation of a Drivers licence. If there is a change in a Drivers medical fitness to drive a vehicle, they must notify the Licensing Team as soon as possible or no longer than 72 hours after the change in circumstances.
- 7.5 In relation to the consideration of convictions and cautions recorded against persons the Council has adopted the policy set out in Annex B (Guidelines relating to the relevance of convictions).
- 7.6 A Combined Driver's Licence shall be valid for a maximum term of three years (unless a shorter period is appropriate). Applicants requiring a shorter licence period must apply in writing stating full reasons why a lesser period is appropriate.
- 7.7 When a licence expires, the Council will not permit any 'periods of grace' for the submission of a renewal application unless there is evidence of exceptional circumstances, accepted as satisfactory by the Council. Where the Council accepts there are exceptional circumstances it will notify the licence holder in writing and detail the period by which the renewal application must be received by the Council.
- 7.8 If a Driver accrues 9 or more points in a 3-year period on his/her DVLA driving licence, they will be required to appear before a Licensing Sub Committee in order for their continued suitability to hold a driver's licence to be assessed.
- 7.9 Any driver who receives, during the currency of their licence, a conviction for drink driving will automatically have their suitability to hold a licence referred before a Licensing Sub Committee for consideration of revocation of their licence.
- 7.10 The driver of a private hire vehicle while driving or in charge of such a vehicle shall not:
- 7.10.1 Tout or solicit or cause or procure any other person to tout or solicit on a road or other public place any person to hire or to be carried for hire in any vehicle;

- 7.10.2 Ply for hire by offering a vehicle for immediate hire while they or that vehicle are on a road or other public place;
- 7.10.3 accept an offer for the immediate hire of a vehicle while they or that vehicle are on a road or other public place except where the offer is first communicated to the driver in person by telephone or vehicle radio without him / her in any way procuring the offer.
- 7.10.4 in this condition "road" means any highway and any other road to which the public has access and includes bridges over which a road passes.
- 7.11 When hired to drive to a particular destination, a driver shall (subject to any directions given by the hirer) proceed to that destination by the shortest available route.

Conduct of Driver

- 7.12 The driver shall at all times:
- 7.12.1 Carry a reasonable quantity of luggage when requested by any person hiring or seeking to hire a vehicle, and afford all reasonable assistance in loading and unloading passengers' luggage.
- 7.12.2 Be clean and respectable in his/her dress and person.
- 7.12.3 Behave in a civil and orderly manner. This applies to behaviour with all clients, road-users and any other person affected by the driver's activities.
- 7.12.4 Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- 7.12.5 Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- 7.12.6 Not cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 7.12.7 When collecting passengers, the driver will not beep the vehicle's horn but shall make his / her arrival known in person.
- 7.12.8 Eating or drinking in the vehicle is not permitted without the express consent of the passenger(s).

Change of Address

- 7.13 The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

Change of Operator

- 7.14 The driver shall notify the Council in writing of any change in the private hire operator he/she is working under the control of within 7 days of the change taking place. If the change requires new private hire vehicle signage, then please refer to Condition 5.5.

Convictions, Cautions, Driving Offences & Charges

- 7.15 The driver shall notify the Council in writing if he/she receives any summons, charge, conviction, caution, formal or informal notice, County Court Judgement or fixed penalty notice within seven days of receiving such. The written notification should include the following details:
- Offence / alleged offence;
 - Date, place & time of offence/alleged offence;
 - Whether acting as a hackney/private hire;
 - If motoring offence:
 - whether paying passengers carried;
 - speed or alleged speed;
 - speed limit for road;
 - Punishment e.g. amount of fine, number of penalty points issued etc.
 - whether speed awareness course undertaken
- 7.16 Depending on the circumstances or the number of penalty points accrued on their DVLA driver's licence, drivers may be referred to a Licensing Sub Committee for consideration. In doing so, the Committee must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence.
- 7.17 Drivers should be aware that if they fail to comply with this requirement it may prevent the Council from renewing their driver's licence under delegated authority.
- 7.18 In the event of a disqualification from driving, a driver shall immediately inform the Council and return their driver's badge.

Badges

- 7.19 The driver shall at all times, whilst in charge of a licensed vehicle, wear their drivers badge, issued by the Council, on their person where it is clearly visible or secure it in a position visible by the passenger.
- 7.20 A driver shall not damage or deface a driver's badge nor allow any other person to do so. The badge remains, at all times, the property of North Norfolk District Council.
- 7.21 Where a licence has lapsed, been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application.
- 7.22 In the event that a driver's licence has been revoked by due process, a new application to drive will not be accepted for a minimum of one calendar year following revocation.

Driving licence

- 7.23 A driver shall produce their DVLA driving licence for inspection by an authorised officer annually and at any point during the period of the licence (within 7 days of request).

Prompt Attendance

- 7.24 The Driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place

Passengers

- 7.25 The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than that prescribed on the licence for the vehicle, regardless of the age of any passenger carried
- 7.26 The driver shall not, without the consent of the hirer, permit any other person to be carried whilst hired
- 7.27 The driver, who knowingly carries in the vehicle, the dead body of any person shall immediately thereafter notify the fact to:

PHE East of England HPT (Norfolk)
Public Health England
Council Offices
College Heath Road
Mildenhall
Suffolk
Norfolk
IP28 7EY

Email: EastofEnglandHPT@phe.gov.uk; phe.EoEHPT@nhs.net
Telephone: 0300 303 8537

- 7.28 The Driver shall not convey in the front seat, any child below the age of twelve years. Children under twelve years old or 135 cm tall must normally use a child car seat. If the driver does not provide the correct child car seat, children can travel without one – but only if they travel on a rear seat; and wear an adult seat belt if they are 3 years or older; without a seat belt if they are under 3 years.
- 7.29 No driver without reasonable excuse shall refuse to carry or refuse assistance to any person with a disability or refuse to carry an assistance dog (without the appropriate exemption certificate).
- 7.30 No extra fee may be charged for carrying an assistance dog or wheelchair.

Lost Property / Misplaced Articles

- 7.31 The driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- 7.32 If any property accidentally left in the vehicle by any person who may have conveyed therein is found by or handed to the driver, it shall be reported to the Police via telephoning 101 and obtaining a report number. It shall be taken as soon as possible and in any event within 72 hours (if not claimed by or on behalf of its owner) to a convenient police station and left in the custody of the officer in charge and a receipt obtained for it.

Animals

- 7.33 The driver shall not convey in a vehicle any animal belonging to, or in the custody of, himself or the proprietor or operator of the vehicle.

- 7.34 The driver shall ensure that any animal belonging to, or in the custody of, any passenger is conveyed in the rear of the vehicle except that an assistance dog accompanying a disabled person may sit in the front of the vehicle provided that the animal is properly trained to sit in the foot well of the vehicle with the disabled passenger.
- 7.35 No driver (unless they hold an Exemption certificate) may refuse to carry a Guide, Hearing, and other assistance dogs – Dogs for the Disabled, Support Dogs, Canine Partners for Independence - that is in the charge of a fare paying passenger. No charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog and the dog should be allowed to remain with the passenger.
- 7.36 Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him. An application must then be made to the Council for an Exemption Certificate with a payment for such certificate(s). All vehicles and drivers must comply with the requirements of any relevant disability discrimination legislation, in respect of carrying assistance dogs.

Breakdowns

- 7.37 If any vehicle, for whatever reason, becomes unfit to complete a journey under a hire agreement:
- the driver shall be entitled to demand the fare for the distance already travelled
 - the driver shall secure alternative transport immediately to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring, the driver shall be entitled to full fare with the exception of any time that the hirer waited for the repair to be executed
 - any such incident must be reported to the Council within one (1) working day

Fare to be demanded

- 7.38 The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or a fare in excess of the stated fee of a calibrated taximeter.
- 7.39 The fares for such journeys, undertaken by hackney carriage, are controlled under the rates or fares fixed by the Council and the vehicle must be fitted with a taximeter calibrated to those fares.

Passenger Transport Badge Holders

- 7.40 If a licensed driver holds a badge with Norfolk County Council to carry passengers on school or other contracts, and that badge is suspended or revoked by the County Council, the driver shall notify the Council, in writing, within 72 hours.

Smoking and Electronic Cigarettes

- 7.41 The driver must not smoke, or permit any passenger to smoke, in a licensed vehicle at any time. This includes the use of Electronic Cigarettes (e-cigs), Personal Vaporizers (PV) and Electronic Nicotine Delivery Systems (ENDS) which are also prohibited.

Failure to provide Information

7.42 It is the driver's responsibility to provide the following information throughout the term of their licence:

- DBS check every 3 years;
- Annual DVLA check;
- Medical Certificate in accordance with condition 2.13;

Failure to provide this information throughout the term of the licence may result in the suspension of the driver's licence by officers under delegated authority or referral to the Licensing Sub Committee for determination. Additionally, points may be applied to the driver's NNDC licence in accordance with the NNDC penalty points system.

Safeguarding Training

7.43 All existing licensed drivers and new combined driver applicants will be required to undertake Safeguarding Training as prescribed by the Council.

Equalities Act 2010

7.44 Section 165 of the Equality Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs. The duties are:

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

7.45 For the purpose of Condition 7.44.5 mobility assistance is defined as assistance:

- 7.45.1 To enable the passenger to get into or out of the vehicle;
- 7.45.2 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;
- 7.45.3 To load the passenger's luggage into or out of the vehicle;
- 7.45.4 If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

7.46 In the case of hackney carriages, the taximeter must not be running whilst carrying out any of the duties described in Condition 7.44 above.

8.0 Private Hire Operators

General Requirements

- 8.1 A Private Hire Operators Licence shall be valid for a maximum period of five years (unless a shorter period is appropriate). Applicants requiring a shorter licence period must apply in writing stating full reasons why a lesser period is appropriate. The Council will only grant operators licences to those operating from an address within the area of the Council's District to enable any Authorised Officer/Agent access to the premises or any records as required by statutes or conditions.
- 8.2 The applicant for the grant of a new licence will need to obtain a criminal records disclosure to enhanced level as an aid to establishing if an applicant is a suitable person to hold an operator's licence. If a PH/HC Drivers Licence is held an additional Criminal check will not be necessary unless the Disclosure Barring Service Report is out of date.
- 8.3 The applicant must make a declaration (by means of a form or questionnaire provided for the purpose) as to any criminal or motoring convictions recorded or pending against him/her in order to confirm that the applicant is a "fit and proper" person to hold a licence.
- 8.4 An Operator must not include in his trading title any reference to "taxi" or "cab" unless he/she is also the proprietor of a hackney carriage vehicle.
- 8.5 An Operator must ensure that all vehicles and drivers working for them are licensed by North Norfolk District Council. Any operator who employs or permits anyone to drive any licensed vehicle owned by him or her will ensure that a copy of the driver's licence is deposited with him during the period that the driver is employed or permitted to drive. Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the operator during the period that his vehicle is so employed.
- 8.6 When a new driver begins to work under the control of an operator, and when an existing driver leaves, the operator must inform the Council in writing of that change within 7 days.
- 8.7 An Operator must keep records of bookings and produce these to an authorised officer or police officer on request. The content of these will be as prescribed by the Council.
- 8.8 The Operator's licence must be produced on request of an authorised officer or police officer.
- 8.9 An operator must, if possible, accept a booking for a Private Hire vehicle if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him/her.
- 8.10 An operator cannot make an additional charge for the carriage of an assistance dog.
- 8.11 An Operator shall record details of every private hire booking made by him/her. The following information shall be recorded in an easily retrievable method (e.g. computer database or page numbered log) before the commencement of each journey, and shall include the following:
- the date and time of each booking;
 - how the booking was received, i.e. telephone or personal call;
 - the time of pick-up;
 - where journey was from and to;
 - the name, address and contact telephone number of the hirer;

- the private hire vehicle licence plate number of the vehicle allocated the booking;
 - the name of the driver allocated the booking.
- 8.12 In addition to the requirement of Condition 8.11 above, an operator of a special event vehicle must also record the nature of the special event i.e. why was a special event vehicle booked.
- 8.13 The records shall be kept for a period of three years, or such longer period as is required by an Authorised Officer of the Council.
- 8.14 The records shall be produced, on request, to any Police Officer or Authorised Officer of the Council.
- 8.15 An Operator shall maintain at his premises details of all vehicles operated by him, which shall include the following:
- the Private Hire licence plate number;
 - the vehicle registration number;
 - the name and address of the proprietor of the vehicle;
 - the name(s) and address(es) of the driver(s) of the vehicles(s);
 - the badge number(s) of the driver(s).
- The above records shall be produced on request to any Authorised Officer of the Council or Police Officer.
- 8.16 No operator shall invite or accept a private hire vehicle booking or control or arrange a journey to be undertaken by a private hire vehicle without first making available the charge for the hire of the vehicle to the person making the booking. The charge can be notified in writing or verbally.
- 8.17 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times. This includes the following:
- 8.17.1 Ensure that when a private hire vehicle has been hired to attend at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually at the appointed time and place.
- 8.17.2 Keep clean, adequately heated, ventilated and lit any premises which the operator provides to which the public have access, whether for the purpose of booking or waiting.
- 8.17.3 Ensure that any waiting area provided by the operator has adequate seating facilities.
- 8.17.4 Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- 8.18 An Operator shall undertake to ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their driver's licence and/or Private Hire Vehicle licence.
- 8.19 The Equality Act 2010 makes it an offence for a private hire operator to fail or refuse to take a booking for a private hire vehicle;
- if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
 - the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.

This is subject to medical exemption certificates and it is also an offence for the operator to make any additional charge as a result of the need to carry an assistance dog.

- 8.20 An applicant for an operator's licence is required to provide proof of planning permission for the address where the business is to operate from and any other area offices/depots/booking offices
- 8.21 In the case of operators who invite the public to make bookings in person at a premises, the prospective premises must be clean, adequately heated, ventilated and lit both for bookings and waiting and have adequate seating facilities
- 8.22 An applicant is required to provide proof of holding a radio transmission licence (and planning permission for any aerial) if the operator uses such radios.

Complaints

- 8.23 An Operator shall maintain a log detailing any complaints received from customers. This shall be available for inspection by any authorised officer or police office upon request. The log must provide the complainants name/address/complaint details and any action taken against driver/vehicle proprietor.

Change of Address

- 8.24 The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

Convictions

- 8.25 The operator shall notify the Council in writing if he/she receives any summons, charge, conviction, caution, formal notice or fixed penalty notice within seven days of receiving such. The written notification should include the following details:
- Offence /alleged offence;
 - Date, place & time offence/alleged offence;
 - Punishment e.g. fine, penalty points etc.
- 8.26 Depending on the circumstances or the number of penalty points accrued on their DVLA driver's licence (if held), operators may be referred to a Licensing Sub Committee. In doing so, the Committee must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence.
- 8.27 Operators should be aware that if they fail to comply with condition 8.25 above, it may prevent the Council from renewing their licence under delegated authority.

Duties of Operators

- 8.28 The Operator shall provide a suitable number of parking spaces for vehicles awaiting allocation for the conveyance of passengers. These parking spaces must be notified to the Public Protection Team at the time of any application or at any time there is a change in these arrangements. The Operator shall ensure that no vehicle, being operated by him, shall at any time park in a position where parking restrictions are in place, at that time, any breach of this condition will be contrary to Section 55 (3) of the Act.

8.29 Operators must ensure that non-licensed staff, i.e. controllers, cleaners etc. behave in a civilised and appropriate manner when involved in the operation of the business.

9.0 Hackney Carriage Byelaws

9.1 Made Under THE TOWN POLICE CLAUSES ACT 1847 &1889 and THE PUBLIC HEALTH ACT 1875 (As Amended)

For regulating the conduct of the proprietors and drivers of hackney carriages plying for hire within the District in their employment, and determining whether such drivers shall wear any or what badges.

9.2 The driver of a hackney carriage shall:

- 9.2.1 if the taximeter is fitted with a flag or other device bearing the words 'for hire'
- when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
 - as soon as the carriage is hired, whether by distance or by time and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible, and keep the machinery of the taximeter in action until the termination of the hiring;
 - calculate the fare or charge from the point at which the hirer commences their journey at a rate of fare or charge not greater than that fixed by the Council;

- 9.2.2 if the taximeter is not fitted with a flag or other device bearing the words 'for hire'
- when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter, and operate a sign which shall bear the words 'for hire' in plain letters at least 3.8cms (1.5ins) in height and capable of being operated so that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire;
 - as soon as the carriage is hired, whether by distance or by time, operate the said sign so that the words 'for hire' are not conveniently legible by persons outside the carriage;
 - as soon as the carriage is hired by distance and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for that purpose, so that the word 'hired' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - calculate the fare or charge from the point at which the hirer commences their journey at a rate or charge not greater than that fixed by the Council;

9.3 The taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for that purpose of the Road Traffic Act 1972 and at any other time at the request of the hirer.

9.4 The driver or proprietor of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with its seals. Vehicles must be presented for inspection following any adjustments or repairs to the taximeter.

9.5 The driver of a hackney carriage shall ensure that a statement of rates or fares currently in force in the District of North Norfolk shall be displayed at all times and shall not wilfully

or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time whilst the carriage is plying for or being used for hire.

- 9.6 The driver of a hackney carriage when hired to drive to any particular destination, shall, subject to any directions given by the hirer, proceed to that destination by the most practical route and shall not, without reasonable cause, unnecessarily prolong in distance or in time the journey for which the carriage has been hired.
- 9.7 The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- proceed with reasonable speed to one of the ranks appointed by the Council
 - if a stand at the time of their arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand
 - on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage behind the carriage or carriages on the stand so as to face the same direction
 - from time to time, when any other carriage immediately in front is driven off or moved forward, drive the carriage forward to fill the place previously occupied by the carriage driven off or moved forward.
- 9.8 The proprietor or driver of a hackney carriage when standing or plying for hire, shall not be calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any other person for that purpose.
- 9.9 The proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage, any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 9.10 Every proprietor or driver of a hackney carriage shall, at all times when standing, plying, or driving for hire, conduct himself in an orderly manner, and with civility and propriety towards every person seeking to hire, or hiring, or being conveyed in such carriage and shall comply with every reasonable requirement of any person hiring, or being conveyed in such carriage.
- 9.11 The driver of a hackney carriage shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 9.12 The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the vehicle:
- carry a reasonable quantity of luggage;
 - afford reasonable assistance in loading and unloading;
 - afford reasonable assistance in removing the luggage to and from the entrance of any premises or other place on which he might take up or set down such person.
- 9.13 The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and place.
- 9.14 The driver of a hackney carriage shall, when standing or plying for hire and when hired or when driving the vehicle (as appropriate), wear in a conspicuous position to be plainly and distinctly visible, by the passenger, the drivers badge issued to him by the Council.

- 9.15 Any driver who knowingly carries in the vehicle, the dead body of any person shall immediately thereafter notify the fact to:

PHE East of England HPT (Norfolk)
Public Health England
Council Offices
College Heath Road
Mildenhall
Suffolk
Norfolk
IP28 7EY

Email: EastofEnglandHPT@phe.gov.uk; phe.EoEHPT@nhs.net

Telephone: 0300 303 8537

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages

- 9.16 The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
- 9.17 The proprietor or driver of a hackney carriage shall, if any property accidentally left in the vehicle by any person, who may have conveyed therein, is found by or handed to the driver, it shall be reported to the Police via telephoning 101 and obtaining a report number. It shall be taken as soon as possible and in any event within 72 hours (if not claimed by or on behalf of its owner) to a convenient police station and left in the custody of the officer in charge and a receipt obtained for it.

Penalties

- 9.18 Every person who shall offend against any of these bylaws shall be liable, on summary conviction, to a fine not exceeding level two (2), and in the case of a continuing offence to a further fine not exceeding two pounds (£2) for each day during which the offence continued after such conviction thereof.

10.0 Penalty Points System

- 10.1 North Norfolk District Council operates a local penalty points scheme. This is a separate scheme to that which operates under the Road Traffic Offenders Act 1988.
- 10.2 Penalty points can be imposed on the drivers of Private Hire Vehicles and Hackney Carriages, proprietors of vehicles and Operators of Private Hire Vehicles are shown below. This system is designed for the public interest, as an aid to ensure continued public safety and to give the individual concerned a chance to rectify any relatively minor breaches of licence conditions without the need for the Council to resort straight to suspension/revocation or prosecution.
- 10.3 Drivers aggrieved by the imposition of penalty points on their hackney carriage /private hire drivers licence may appeal in writing to the Licensing Manager within 21 days of the notification of points awarded and have the matter considered by the Councils Licensing Sub Committee.

10.4 If an individual concerned accrues a total of 12 local penalty points within a 3-year period then he/she will automatically be referred to the Licensing Sub Committee of the Council to show just cause why their licence should continue.

10.5 The following list, whilst not exhaustive, details the number of penalty points that will be awarded for the infringements shown:

| DC Code | Infringement | Penalty Points |
|----------------|--|-----------------------|
| PP1 | Failing to have a Private Hire Driver or Hackney Carriage Driver badge in his possession whilst driving a licensed vehicle | 3 |
| PP2 | Not having an appropriate Fire Extinguisher and/or first aid kit in the vehicle | 3 |
| PP3 | Failing to notify the Licensing Office, in writing within 7 days, of a change to name and/or address | 3 |
| PP4 | Failing to carry Licensing Handbook whilst driving a licensed vehicle | 3 |
| PP5 | Failing to display any Plates, Signs or Notices required by North Norfolk District Council | 3 |
| PP6 | Failing to deal with lost property in the correct manner | 3 |
| PP7 | Private Hire Operator/HC Proprietor failing to notify the Licensing Office of any complaints received | 3 |
| PP8 | Failing to attend the Council Offices when directed by an authorised officer | 3 |
| PP9 | The issue of an Unfit vehicle notice for any reason other than for an accident | 3 |
| PP10 | Unreasonable prolongation of journeys or any misconduct regarding the charging of fares | 3 |
| PP11 | Failing to attend at appointed time and place without sufficient cause | 3 |
| PP12 | Failing to display fare card (Hackney carriage) | 3 |
| PP13 | Parking/Stopping contrary to authorised road markings | 3 |
| PP14 | Parking/Stopping with one or more wheels on the pavement – in avoidable circumstances where obstruction has been caused | 3 |
| PP15 | Failing to notify the Licensing Office, in writing within 7 days, of any charges, summons, penalty points, cautions or convictions being imposed | 4 |
| PP16 | Failing to produce a relevant documentation within 7 days of request | 4 |
| PP17 | Failing to notify the Licensing Office, in writing within 72 hours, of being involved in an accident | 4 |
| PP18 | Leaving a vehicle unattended on the rank | 4 |
| PP19 | Private Hire Operator failing to maintain their records in the correct format | 4 |
| PP20 | Licensed vehicle not carrying a spare wheel, space saver or tyre weld that is capable of being used. | 4 |
| PP21 | Using a mobile phone, radio hand set, eating or drinking whilst the vehicle is in motion unless specifically exempted by law | 6 |
| PP22 | Displaying any feature on a private hire vehicle which would suggest it is a taxi | 6 |
| PP23 | Failing to carry an assistance dog without requisite exemption | 6 |
| PP24 | Using a unlicensed vehicle | 6 |
| PP25 | Private Hire drivers touting for business | 6 |
| PP26 | Failing to notify the Licensing Office of any change in medical fitness to drive | 6 |
| PP27 | Failure to produce the 6 monthly Compliance check | 4 |

| DC Code | Infringement | Penalty Points |
|----------------|---|-----------------------|
| PP28 | Failure to report to the authority the transfer of a private hire vehicle licence or a hackney carriage vehicle licence within 14 days of transfer. | 4 |
| PP29 | Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence | 4 |
| PP30 | Failing to notify Licensing Team of a change in private hire operator. | 4 |
| PP31 | Wheelchair accessible hackney carriage fails to carry ramps for loading disabled persons wheelchair | 6 |
| PP32 | Driver smoking in the vehicle | 3 |
| PP33 | Failure to display official 'no smoking' sign in vehicle | 3 |
| PP34 | Licensed vehicle displaying unauthorised markings (inside or out) | 3 |
| PP35 | Sounding the vehicle horn to announce arrival or tout for business | 3 |
| PP36 | Defective vehicle, i.e. headlight not working | 3 |
| PP37 | Defective vehicle, i.e. bald tyre | 6 |
| PP38 | Failure to comply with legislation pertaining to hackney carriage and private hire licensing. | 3-6 |
| PP39 | Failure to conform with the Road Traffic Act | 3-6 |
| PP40 | Failure of Private Hire Operator to provide annual list of vehicles and drivers | 3 |
| PP41 | Eating or drinking in the vehicle without consent of the passenger(s) | 3 |

10.6 In appropriate cases, additional penalty points to those specified above may be imposed by a Panel of the Licensing Sub Committee following a hearing when they have considered the circumstances of an individual case

11.0 Summary of Offences

| Town Police Clauses Act 1847 | |
|---|--|
| <i>Section</i> | <i>Offence</i> |
| 40 | Giving false information on application for hackney carriage proprietor's licence |
| 44 | Failure to notify change of address of hackney carriage proprietor |
| 45 | Plying for hire without a hackney carriage proprietor's licence |
| 47 | Hackney driver acting without licence, or proprietors employing unlicensed drivers |
| 52 | Failure to display hackney carriage plate |
| 53 | Refusal to take a fare |
| 54 | Charging more than the agreed fare |
| 55 | Obtaining more than the legal fare |
| 56 | Travelling less than the lawful distance for an agreed fare |
| 57 | Failing to wait after a deposit to wait has been paid |
| 58 | Charging more than the legal fare |
| 59 | Carrying other person than the hirer without consent |
| 60 | Driving a hackney carriage without proprietor's consent |
| 60 | Person allowing another to drive a hackney carriage without proprietor's consent |
| 61 | Penalty for drunkenness, furious driving, etc. of hackney carriage. |
| 62 | Driver leaving hackney carriage unattended |
| 64 | Hackney carriage driver obstructing other hackney carriages |
| Local Government (Miscellaneous Provisions) Act 1976 | |
| Hackney Carriage Provisions | |
| 49 | Failure to notify transfer of hackney carriage proprietor's licence |
| 50(1) | Failure to present hackney carriage for inspection as required |
| 50(2) | Failure to inform Local Authority where hackney carriage is stored if requested |
| 50(3) | Failure to report an accident to Local Authority |
| 50(4) | Failure to produce hackney carriage proprietor's licence and insurance certificate |
| 53(3) | Failure to produce hackney carriage driver's licence |
| 57 | Making false statement or withholding information to obtain hackney carriage driver's licence |
| 58(2) | Failure to return plate after notice given after expiry, revocation or suspension of hackney carriage proprietor's licence |
| 61(2) | Failure to surrender driver's licence after suspension, revocation or refusal to renew |
| 64 | Permitting any vehicle other than hackney carriage to wait on a hackney carriage stand |
| 66 | Charging more than the meter fare for a journey ending outside the district, without prior agreement |
| 67 | Charging more than the meter fare when hackney carriage used as private hire vehicle |
| 69 | Unnecessarily prolonging a journey |
| 71 | Interfering with a taximeter |
| 73(1)(a) | Obstruction of authorised officer or constable |
| 73(1)(b) | Failure to comply with requirement of authorised officer or constable |
| 73(1)(c) | Failure to give information or assistance to authorised officer or constable |
| Local Government (Miscellaneous Provisions) Act 1976 | |
| Private Hire Provisions | |
| 46(1)(b) | Driving a private hire vehicle without a private hire driver's licence |
| 46(1)(c) | Proprietor of a private hire vehicle using an unlicensed driver |
| 46(1)(d) | Operating a private hire vehicle without a private hire operator's licence |
| 46(1)(e) | Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle |

| | |
|----------|---|
| 46(1)(e) | Operating a private hire vehicle when the driver is not licensed as a private hire driver |
| 48(6) | Failure to display private hire vehicle plate |
| 49 | Failure to notify transfer of private hire vehicle licence |
| 50(1) | Failure to present private hire vehicle for inspection as required |
| 50(2) | Failure to inform local authority where private hire vehicle is stored if requested |
| 50(3) | Failure to report an accident to local authority |
| 50(4) | Failure to produce private hire vehicle licence and insurance certificate |
| 53(3) | Failure to produce private hire driver's licence |
| 54(2) | Failure to wear private hire driver's badge |
| 56(2) | Failure by private hire operator to keep records of bookings |
| 56(3) | Failure by private hire operator to keep records of private hire vehicles operated by him |
| 56(4) | Failure to produce private hire operator's licence on request |
| 57 | Making false statement or withholding information to obtain private hire driver's or operator's licence |
| 58(2) | Failure to return plate after notice given after expiry, revocation or suspension of private hire vehicle licence |
| 61(2) | Failure to surrender driver's licence after suspension, revocation or refusal to renew |
| 67 | Charging more than the meter fare when hackney carriage used as private hire vehicle |
| 69 | Unnecessarily prolonging a journey |
| 71 | Interfering with a taximeter |
| 73(1)(a) | Obstruction of authorised officer or constable |
| 73(1)(b) | Failure to comply with requirement of authorised officer or constable |
| 73(1)(c) | Failure to give information or assistance to authorised officer or constable |

Annex A



**Hackney Carriage or Private Hire Vehicle
 Incident/Accident Report Form**

| | | |
|----------|--|--|
| 1 | Reporting of Incident/Accident | |
| 1.1 | Name of person reporting incident/accident | |
| 1.2 | Date of reporting incident/accident | |

| | | |
|----------|---------------------------------|--|
| 2 | Licensed Vehicle damaged | |
| 2.1 | Make and model | |
| 2.2 | Registration number | |
| 2.3 | HCV/PHV Plate No | |
| 2.4 | Name of Vehicle Owner | |
| 2.5 | Name of Driver | |

| | | |
|----------|--|--|
| 3 | Incident/Accident Details | |
| 3.1 | Time | |
| 3.2 | Date | |
| 3.3 | Location | |
| 3.4 | Brief circumstances of accident | |
| 3.5 | Passengers in vehicle at time of accident | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 3.6 | Injuries sustained to passengers/driver | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 3.7 | Give further details of injuries sustained | |

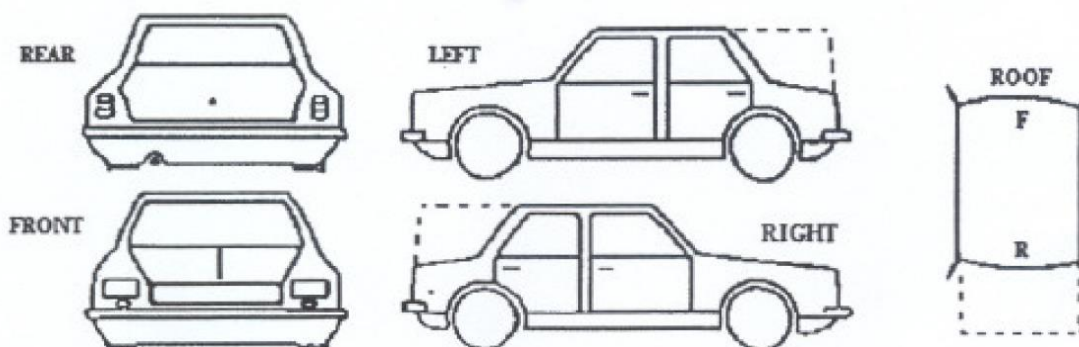
| | | |
|----------|---|--|
| 4 | Details of any other vehicle(s) involved | |
| 4.1 | Make and model | |
| 4.2 | Registration Number | |

| | | |
|----------|--|--|
| 5 | Details of any other driver(s) involved | |
| 5.1 | Name | |
| 5.2 | Address | |

| Details of any damage to Property | | |
|-----------------------------------|---|--|
| 6.1 | Was there any damage to property/structure(s) | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 6.2 | If yes, give address of property/structure(s) | |
| 6.3 | Give further details of damage | |

| 7 Police Assistance | | |
|---------------------|-------------------|--|
| 7.1 | Police attendance | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 7.2 | Name of Officer | |
| 7.3 | Where stationed | |

| 8 Indicate areas of damage on licensed vehicle | |
|--|--|
|--|--|



| 9 Provide photo(s) showing all damage to the vehicle | | |
|--|----------------------|--|
| 9.1 | Method of submission | Paper hard copy <input type="checkbox"/> Email – electronic as JPEG <input type="checkbox"/> |
| 9.2 | Date photo(s) taken | |

| 10 Inspection of Vehicle | | |
|--------------------------|---|--|
| 10.1 | Date vehicle booked for inspection at testing station | |
| 10.2 | Name of testing station | |

| 11 Insurance | | |
|--------------|--|--|
| 11.1 | Will your insurance company be undertaking the repairs to this vehicle | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 11.2 | If Yes, do you have an estimated timeframe, from insurance company, for completion of the repairs? | |

Annex B

Guidelines Relating to the Relevance of Convictions Hackney Carriage & Private Hire Licensing

1.0 Introduction

- 1.1 The purpose of these guidelines is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper and safe and suitable person;
 - That the person does not pose a threat to the public;
 - That the public are safeguarded from dishonest persons;
 - The safeguarding of children, vulnerable and young persons.
- 1.3 This document provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for Drivers' licences;
 - Existing Licenced Drivers whose licences are being reviewed;
 - Applicants for Private Hire Operator licenses;
 - Licensing Officers;
 - Members of the Licensing Committee;
 - Magistrates hearing appeals against Local Authority decisions.
- 1.4 Where Licensing Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Sub 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.**

2.0 General guidelines

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- 2.2.1 Remain free of conviction for an appropriate period; and
- 2.2.2 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.

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

3.0 Appeals

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

4.0 Powers

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 In this policy the term "disqualification" refers to the period served. In order to take account of the fact that a court may reduce the period of disqualification from driving, an applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.
- 4.4 It should be noted that "any reasonable cause" includes conduct falling short of a criminal conviction(s).

5.0 Consideration of Disclosed Criminal History

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

- 5.2 Existing holders of driver licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Public Protection Team - Licensing in confidence for advice.
- 5.4 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 or other agencies.
- 5.5 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 or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 5.6 It should be noted that the determination of whether an applicant is “fit and proper” or safe and suitable includes consideration of conduct falling short of a criminal conviction.

6.0 Offences involving Violence, Disorder and Damage to Property

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence, disorder or criminal damage. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.2 Any one with a conviction for an offence involving violence, disorder or damage to property will normally be expected to remain free of such convictions for a period of at least 3 years. However, given the range of the offences, consideration must be given to the nature of the conviction. A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence involving violence or disorder.
- 6.3 In the most serious cases, an application will be refused unless there are exceptional circumstances. A licence will **not** normally be granted where the applicant has a conviction for an offence such as:
- Murder;
 - Manslaughter;
 - Manslaughter or culpable homicide while driving;
 - Terrorism offences;
 - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.
- 6.4 An application will normally be refused if the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date on which the application is determined by the authority:
- Arson;
 - Malicious wounding or grievous bodily harm;
 - Actual bodily harm;
 - Grievous bodily harm with intent;
 - Robbery;
 - Possession of firearm;
 - Riot;
 - Violent disorder;

- Any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.
- 6.5 An application will normally be refused if the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date on which the application is determined by the authority:
- Common assault;
 - Assault occasioning actual bodily harm;
 - Affray;
 - Aggravated criminal damage;
 - Any racially aggravated offence;
 - Resisting arrest;
 - Assault police;
 - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.
- 6.6 An application will normally be refused if an applicant has a conviction for an offence or similar offences(s) which replace the offences below and the conviction is less than 3 years prior to the date on which the application is determined by the authority:
- S.5 Public Order Act 1986 offence (harassment, alarm or distress);
 - S.4 Public Order Act 1986 offence (fear of provocation of violence);
 - S.4A Public Order Act 1986 offence (intentional harassment, alarm or distress);
 - Obstruction;
 - Criminal damage;
 - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.
- 6.7 A person bound over to keep the peace or be of good behaviour will not normally be granted a licence within the period of the recognisance e.g. where a person is bound over for 6 months, they will not normally be licensed within that 6-month period.
- 6.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.
- 7.0 Possession of a Weapon**
- 7.1 A conviction for possession of a weapon or any other weapon related offence will raise serious concerns as to the fitness of the applicant to carry the public.
- 7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.
- 8.0 Sex and Indecency Offences**
- 8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will normally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 15 years) free of conviction for such offences before a licence will be granted.
- 8.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape;

- Assault by penetration;
 - Offences involving children or vulnerable adults;
 - Or any similar offences (including attempted or conspiracy to commit) which replace the above.
- 8.3 An application will normally be refused if the applicant has a conviction for an offence listed below and the applicant has not been free of such conviction for at least 15 years:
- Sexual assault;
 - Indecent assault;
 - Possession of indecent photographs, child pornography etc.;
 - Exploitation of prostitution;
 - Trafficking for sexual exploitation;
 - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above;
- 8.4 An application will normally be refused if the applicant has a conviction for an offence listed below and the applicant has not been free of such conviction for at least 5 years:
- Indecent exposure;
 - Soliciting (kerb crawling);
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 8.5 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.
- 8.6 A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

9.0 Dishonesty

- 9.1 A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.
- 9.2 In general, a minimum period of 3 years free of conviction Offences involving dishonesty include:
- Theft;
 - Burglary;
 - Fraud;
 - Benefit fraud;
 - Handling or receiving stolen goods;
 - Forgery;
 - Conspiracy to defraud;
 - Obtaining money or property by deception;
 - Other deception;
 - Taking a vehicle without consent;
 - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.

10.0 Drugs

- 10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 10.2 An application will normally be refused where the applicant has a conviction for an offence related to the **supply of drugs** and has not been free of such conviction for 10 years.
- 10.3 An application will normally be refused where the applicant has more than one conviction for offences related to the **possession of drugs** and has not been free of conviction for 5 years.
- 10.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 10.5 If there is evidence of persistent drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict, then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

11.0 Minor and Major Traffic Offences

Minor

- 11.1 Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc. may prevent a person from being granted a hackney carriage or private hire drivers licence if they have received more than 2 motoring convictions within the last 2 years.
- 11.2 The accumulation of 9 or more penalty points will cast grave doubts on the suitability of the applicant and could lead to the refusal of the application.

Major

- 11.3 A serious view will be taken of any conviction for a major traffic offence, this includes:
- Causing death by dangerous driving;
 - Dangerous driving;
 - Causing death by careless driving whilst under the influence of drink or drugs;
 - Causing death by careless or inconsiderate driving;
 - Careless and inconsiderate driving;
 - Driving under the influence of drink or drugs etc.;
 - Driving whilst disqualified;
 - Using a vehicle without insurance;
 - Offences contrary to the taxi licensing legislation;
 - Or any similar offences (including attempted or conspiracy to commit) or an offence which replaces the above.
- 11.4 These guidelines make specific provision for certain types of major traffic offences to reflect the seriousness of those convictions. In the case of major traffic offences where no such specific provision is made and paragraph 14 (Disqualification) does not apply, an application will normally be refused unless a period of at least 3 years free from conviction of such offences has elapsed.

12.0 Driving Offences involving the Loss of Life

- 12.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted unless the applicant is free of conviction for 7 years if he/she has a conviction for:
- Causing death by dangerous driving;
 - Causing death by careless driving whilst under the influence of drink or drugs;
 - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.
- 12.2 Before a licence is granted, an applicant should be free of conviction for 3 years, if he/she has a conviction for:
- Causing death by careless driving;
 - Causing death by driving: unlicensed, disqualified or uninsured drivers;
 - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.

13.0 Drink Driving/Driving under the Influence of Drugs

- 13.1 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.
- 13.2 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 and he must comply with the rehabilitation period below.
- 13.3 More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.
- 13.4 At least 3 years free of conviction, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

14.0 Disqualification

- 14.1 Where an applicant has been disqualified from driving following a conviction for a major traffic offence and no specific provision is made above regarding the appropriate rehabilitation period, the application will generally be refused unless a period of between 3 and 5 years free from conviction has elapsed from the restoration of the DVLA licence.
- 14.2 Where convictions for a number of minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.
- 14.3 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.
- 14.4 Any period of disqualification will lead to the suspension/ revocation of a licence.

15.0 Insurance Offences

- 15.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily prevent a licence being granted provided he/she has been free of such conviction for 3 years; however, a 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.
- 15.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for 3 years.

16.0 Cautions

- 16.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.
- 16.2 If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to his/her future conduct.
- 16.3 Cautions for more serious offences could lead to refusal of an application or the suspension or revocation of a licence.

17.0 Outstanding Charges or Summonses

- 17.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 17.2 If the outstanding charge or summons involves a serious offence, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.
- 17.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, S52, 2(a)&2(b)]

18.0 Licensing Offences

- 18.1 Convictions for offences contrary to taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed unless the applicant has been free of such convictions for a period of at least 3 years.

19.0 Licences issued by other Licensing Authorities

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

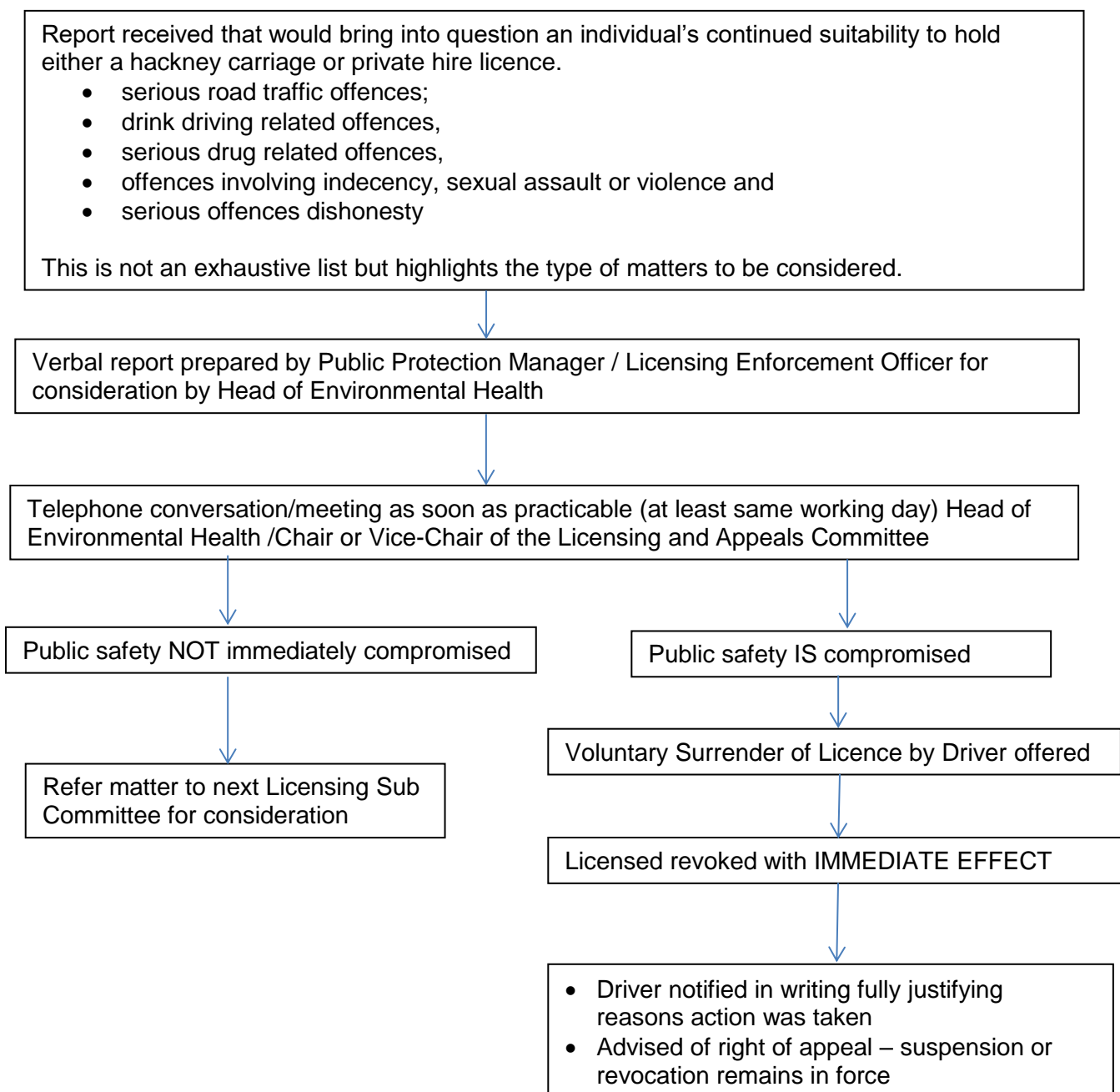
20.0 Summary

- 20.1 To summarise, a motoring/criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 15 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 20.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
- 20.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Annex C

Immediate revocation and suspension of Hackney Carriage and Private Hire Drivers licences

The Council has adopted a procedure to revoke a driver’s licence with immediate effect where the interests of public safety require such course of action. The delegated authority states that the Head Environmental Health, in consultation with the Chair (or Vice Chair) of Licensing and Appeals Committee, be authorised to immediately revoke a hackney carriage and/or private hire vehicle driver’s licence where it is considered to be urgently necessary to safeguard the public. The flowchart below sets out the procedure adopted:



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Licensing

From: Christopher Pipe [REDACTED]
Sent: 29 May 2020 12:34
To: Licensing
Subject: RE: Consultation - Taxi Handbook and Policy
Attachments: Amended Additional Items to Policy with comments by C Pipe.docx

I attach my comments on the proposed amendments.

Christopher Pipe

| AMENDED/ADDITIONAL ITEMS TO POLICY | COMMENTS |
|---|---|
| <p>Drivers</p> <p>2.10 Successful applicants will be notified in writing, and issued, with the appropriate licence. Those who are granted a driver's licence will be issued with a driver badge, which will remain the property of the council and must be surrendered when the licence is suspended, revoked or has expired.</p> | |
| <p>Knowledge Test</p> <p>2.15 You will need to pass the Council's Knowledge Test as part of the application process. The test will include multi-choice questions on Licensing Conditions, the Highway Code, knowledge of the area and literacy and numeracy and it will be conducted online at the Council offices.</p> | <p>I wonder if this extra bureaucracy is necessary. Taxi drivers in North Norfolk have always (in my experience) rapidly acquired the necessary knowledge the area without the formality of a test; and if they do not have knowledge of the Highway Code they shouldn't hold a driving licence. And do you have evidence that some NNDC taxi drivers lack the requisite literacy and numeracy?</p> |
| <p>Refund of Licence Fees – (not applicable to Insurance/Lease vehicles)</p> <p>2.24 In the event that a driver, vehicle or operator licence is not granted then the Council will refund the licence application fee. This does not apply to the other fees e.g. knowledge test, medical and DBS disclosure application.</p> <p>2.25 Should a vehicle or operator licence be surrendered during the life of the licence then a pro-rata refund (less admin fee) will be given for the unexpired portion of the licence. The date will be calculated from the date the licence is returned to the Council. Refunds will not be given for licences that are suspended or revoked.</p> | |

(Pages omitted where no responses given)

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| <p>calendar year following revocation.</p> | |
| <p>Lost Property</p> <p>7.32 If any property accidentally left in the vehicle by any person who may have conveyed therein is found by or handed to the driver, it shall be reported to the Police via telephoning 101 and obtaining a report number. It shall be taken as soon as possible and in any event within 72 hours (if not claimed by or on behalf of its owner) to a convenient police station and left in the custody of the officer in charge and a receipt obtained for it.</p> | <p>If followed to the letter, this would prohibit drivers returning to the owner any property found in the cab. I have often found wallets, bags and shopping and have been able to return it to the owner without the need to involve the police, which would have resulted in undue delay.</p> <p>On occasion, too, I have found a credit card and taken it to the nearest branch of the bank concerned, which seemed a quicker and more direct way than taking it to the police; was I wrong?</p> |
| <p>Passenger Transport Badge Holders</p> <p>7.40 If a licensed driver holds a badge with Norfolk County Council to carry passengers on school or other contracts, and that badge is suspended or revoked by the County Council, the driver shall notify the Council, in writing, within 72 hours.</p> | |
| <p>Smoking and Electronic Cigarettes</p> <p>7.41 The driver must not smoke, or permit any passenger to smoke, in a licensed vehicle at any time. This includes the use of Electronic Cigarettes (e-cigs), Personal Vaporizers (PV) and Electronic Nicotine Delivery Systems (ENDS) which are also prohibited.</p> | |
| <p>Failure to provide Information</p> <p>7.42 It is the driver's responsibility to provide the following information throughout the term of their licence:</p> <ul style="list-style-type: none"> • DBS check every 3 years; • Annual DVLA check; • Medical Certificate in accordance with condition 2.13; <p>Failure to provide this information throughout the term of the licence may result in the suspension of the driver's licence by officers under delegated authority or referral to the Licensing Sub Committee for determination.</p> | |

Licensing

From: Mark Griffin [REDACTED]
Sent: 30 May 2020 12:53
To: Licensing
Subject: RE: Consultation - Taxi Handbook and Policy
Attachments: Amended Additional Items to Policy.docx

Please see attachment

X

Regards
Mark Griffin

From: Licensing <licensing@north-norfolk.gov.uk>
Sent: 29 May 2020 11:53
To: Licensing <licensing@north-norfolk.gov.uk>
Subject: Consultation - Taxi Handbook and Policy

Dear Sirs

Consultation on North Norfolk District Councils Hackney Carriage and Private Hire Policy and Handbook Edition 4

As an authority, we have followed good practice guidelines and we review our Taxi Policy and Handbook every 3 years. It was last amended in 2012 and edition 3 published. The policy was reviewed in 2015 and again 2018 with no amendments made.

We have updated the Policy and Handbook and it is currently in a draft format. Attached is the draft policy and handbook and a summary of the changes. The consultation is also on our website.

Should you wish to respond to the changes, please return the attached summary of changes with your comments either by email, post by 25 August 2020. Any responses received after this date will not be included in the consultation.

Yours faithfully



Lara Clare
Licensing Enforcement Officer

| AMENDED/ADDITIONAL ITEMS TO POLICY | COMMENTS |
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| <p>Drivers</p> <p>2.10 Successful applicants will be notified in writing, and issued, with the appropriate licence. Those who are granted a driver's licence will be issued with a driver badge, which will remain the property of the council and must be surrendered when the licence is suspended, revoked or has expired.</p> | |
| <p>Knowledge Test</p> <p>2.15 You will need to pass the Council's Knowledge Test as part of the application process. The test will include multi-choice questions on Licensing Conditions, the Highway Code, knowledge of the area and literacy and numeracy and it will be conducted online at the Council offices.</p> | <p>Agreed to point, but what about an operator like me that has telephone numbers in Fakenham, Wells, Holt and Cromer. Our drivers are in a different part North Norfolk every day and its impossible to know street names across that area.</p> |
| <p>Refund of Licence Fees – (not applicable to Insurance/Lease vehicles)</p> <p>2.24 In the event that a driver, vehicle or operator licence is not granted then the Council will refund the licence application fee. This does not apply to the other fees e.g. knowledge test, medical and DBS disclosure application.</p> <p>2.25 Should a vehicle or operator licence be surrendered during the life of the licence then a pro-rata refund (less admin fee) will be given for the unexpired portion of the licence. The date will be calculated from the date the licence is returned to the Council. Refunds will not be given for licences that are suspended or revoked.</p> | |

(Pages omitted where no responses given)

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| <p>Age Requirement</p> <p>3.9 All hackney carriage and private hire vehicles will not normally be considered for licensing unless they are under 10 years of age from date of first registration (date as shown on DVLA registration document). Vehicles presented for licensing that are less than 5 years of age will require an annual Vehicle Inspection Report to be completed by one of the nominated garages. Vehicles over 5 years will be required to have a Vehicle Inspection Report every 6 months:</p> | <p>I think the idea of paying for a 1 year license on vehicle under 5 years is ok but those over 10 years old should receive 6 monthly plates for the cost of the 1 year license.</p> <p>I don't really agree with this change as someone like me that has around 30 plus vehicles will have around 30 MOT'S and around 60 Taxi tests which is going to be a very costly expense for an operator of my size on top of the several hundred thousand pounds that it already costs to run a taxi company.</p> |
| <p>Vehicle Specifications</p> <p>3.16 The vehicle shall have side opening doors for each passenger (designed for the purpose of permitting persons' access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons' access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons' access to/from the interior).</p> <p>3.24 Estate versions of saloon vehicles fitted with seats in the rear luggage compartment may be licensed for more than 4 passengers, but the operator/proprietor must inform the customer that the vehicle has seats in the rear luggage compartment at the time of booking.</p> <p>3.25 The vehicle shall have a sufficient engine capacity (usually considered as 1400cc). Any hybrid/LPG, electric or other alternatively powered vehicle must have an engine size that is sufficient for use at full capacity.</p> | |

External/Internal Advertising and Signs

3.77 The Council will allow advertisements to be placed upon a vehicle subject to the following:

- The proprietor of a licensed vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Council.
- Advertising is to be limited to the back door panels of licensed vehicles only. Advertising on parts of the vehicle in addition to the back door panels may be considered but only after prior written approval of the Council has been given. However, no advertising will be permitted on the windows of the vehicle.
- All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Council reserves the right to require the licensee to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
- No advertisement will be permitted that relates to or advertises alcohol, nudity, gambling, smoking materials or others of a political nature.
- The same advertising must be displayed on the nearside and offside doors of vehicles.
- Any advertising may cover both back doors.
- Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.
- In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi" or "cab" the use of which will not be permitted.

I think any operator should be able to advertise their own company on a vehicle they own on any part of the vehicle, my new logo spreads across front and back doors.

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| Sub Committee for determination. Additionally, points may be applied to the driver's NNDC licence in accordance with the NNDC penalty points system. | |
| Safeguarding Training 7.43 All existing licensed drivers and new combined driver applicants will be required to undertake Safeguarding Training as prescribed by the Council. | |

Addition to these new rules I think that obtaining an operators license should be made a little more difficult as there is so many one man bands driving around in rotten cars with no care in the world about their customers they book runs in then don't turn up for their customers because better jobs have come in for them, this gives us good operators that actually have a passion for the trade a bad name.

If a driver applies for an operator's license then I believe the council should contact the operators that this driver has worked for a call to see why they no longer work there, in my business we very rarely have drivers leave to start on their own unless we have let them go due to their incompetence to provide a professional service or generally lack common sense if that's the case they lack those points to run their own operation.

Also, there are a few operators that don't live in side North Norfolk that have obtained an operators license by using a friend's address which I think is totally unacceptable and should not be allowed to do.

Mark Griffin,

Tinys Taxis and A1 Cabs of Cromer

Licensing

From: Matthew Hawkes [REDACTED]
Sent: 01 June 2020 13:13
To: Licensing
Subject: Amendments to Policy and Handbook
Attachments: Anglian Chauffeur Service expanded thoughts on NNDC Version 4 HC&PH Policy & Handbook.pdf; Amended Additional Items to Policy returned to NNDC.docx

Hello Lara,

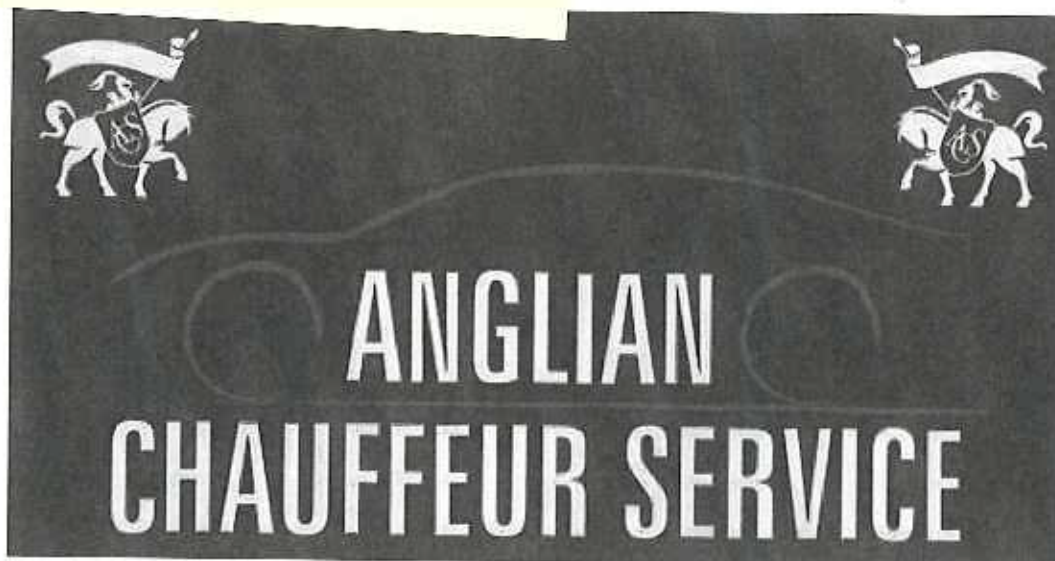
I hope you are well and are keeping safe.

Thank you for asking for input into the latest version of the handbook. Attached is the document you sent for comments and I've taken the liberty of expanding my thoughts in the pdf. I fully support the Purpose, Aim and Objectives of the Licencing Department and hope it will be broadcast to the general public so that they know a better private hire and hackney carriage industry is there for them.

Many regards,

Matt.

[REDACTED]
MTS



In great support of the revised Purpose and Objectives of Licensing ("Safe Drivers")

What is a safe driver?

Being a safe driver means being alert, always driving to the conditions of the road environment and being ready to take action at any time.

Characteristics of a safe driver:

Optimistic: they feel capable of handling all driving situations.

Considerate of others: e.g., they make room for other drivers to enter the lane.

Discerning: they know the difference between correct and incorrect behaviour behind the wheel and choose to do the right thing.

They use good judgment and act appropriately: e.g., they do not rush across an intersection on a yellow light.

Content with the driving situation: e.g., they are not anxious about traffic.

Careful and attentive to the driving task

Emotionally stable: they take things as they come and do not overreact.

Rational decision makers: they make decisions based on facts, not feelings.

At Risk drivers:

Excessively happy, over-the-top in most situations

Over-confident in driving abilities

Insecure, tentative about driving

Unconcerned, dismissive, likely to "blow off" authority figures, traffic rules and regulations

Impatient with traffic, long lights, or slow drivers

Aggressive or insistent on having their way

Impulsive

Six major driving errors:

1. Lack of a safe driving attitude
2. Failure to obey traffic laws
3. Bad judgment/poor decision-making
4. Lack of courtesy for other drivers
5. Lack of driving knowledge
6. Failure to maintain your car

My professional driving career extends 30 years and in all those years from my Car Test through HGV Class 1, PSV and Motorcycle the only way of establishing whether a driver is safe or not is to physically test the competence.

There have been at least 3 systems I have received driver/rider training:

Drivotech Driver Training whilst being employed by Sainsbury's as a Grocery On-line Driver.

The 5 Keys of the Smith System (Smith System Driver Improvement Institute Inc.) PSV Training at First Norwich

1. Aim High in Steering – Looking further ahead than other drivers
2. Get The Big Picture – Seeing more around you than other drivers
3. Keep Your Eyes Moving – Be more aware than other drivers
4. Leave Yourself An Out – Positioning in traffic better than other drivers
5. Make Sure They See You – Making yourself more visible than other drivers

Roadcraft and Motorcycle Roadcraft – The System (Used by Police Drivers undertaking Police Driver/Rider Training)

The Roadcraft system of car/motorcycle control is a methodical approach to hazards which increases driver safety by giving more time to react to the complex situations faced by drivers.

Was introduced to this when completing Norfolk Constabulary's Safe Rider Training.

The 4 Levels of Competency in Goals for Driver Education considers driver training beyond the basic operating of the vehicle and is designed to produce safer drivers through reflection on self and changing behaviours with positive attitudes and a better awareness of other road users.

How will NNDC ensure that all Licenced Drivers are "safe drivers" and what system will be used to provide consistency across North Norfolk. I will never turn down the opportunity to improve on my driving skills.

In great support of the revised Purpose and Objectives of Licensing (“First Class Customer Service”)

What is Customer Care and Service Quality?

In the services industry, the provision and delivery of services involves a variety of interactions between providers and their customers. In particular, drivers are instrumental in the creation and provision of service quality and, in so doing, they need to ‘care’ for the customer.

The concept of ‘customer care’ is concerned with customer satisfaction: putting the customer first, anticipating needs and problems, tailoring products and services to meet needs, and being ‘nice’ to the customer. It also includes: service to the customer; delivery/operations; employee relationships with customers; and internal relationships between employees and management.

Further, customer care/service quality programmes may be integral to total quality management initiatives within these organizations.

Having worked in the tourism and leisure industries I have been fortunate to have received Welcome Host training and have recently updated this with the Welcome Host Gold Level 2 Award in Principles of Customer Service in Hospitality, Leisure, Travel and Tourism. As far as I’m aware I am the first and only Private Hire driver to have completed this level of customer service training.

I hope that when NNDC expects licenced operators to provide a first class customer service this is the qualification that is set as the minimum standard.

Whilst employed at Marks & Spenser during the time of Stuart Rose I was again very fortunate to be part of the mass customer service training that all employees received from Mary Gober.

In great support of the revised Purpose and Objectives of Licensing (“Safeguarding Training”)

What is Safeguarding Training?

Safeguarding training is the perfect way to ensure that a driver has the skills that they need in order to be able to provide a service that protects children and young people and vulnerable adults.

Some of this is covered in customer service training but specific training will highlight key factors for greater awareness.

Not since I worked as a multi-activity instructor here in Norfolk and countryside have I received any Safeguarding Training. Although NNDC licenced drivers have the enhanced DBS, a document does not give you the skillset to deal with vulnerable people.

I am pleased that this is something that will be not only available but essential in the application process.

In great support of the revised Purpose and Objectives of Licensing (“Knowledge Test”)

What a great idea, as much of Norfolk’s economy is associated with the tourism and travel sectors we are on the front line being some of the first people our visitors meet. They will be keen to ask questions on all aspects of life in Norfolk, where to visit, eat and stay. It is vital that visitors to Norfolk have a great initial experience.

Would NNDC allow Private Hire and Hackney Carriages to display or provide a visitor’s guide to North Norfolk for passengers to read and take away?

I provide chauffeur guided tours of Norfolk for my clients and do my best to promote North Norfolk and the SMEs in the smaller rural locations.

If NNDCs Knowledge Test gives other drivers the confidence to pass on their knowledge to their passengers, North Norfolk will have the opportunity to receive great comments from visitors and local people.

| AMENDED/ADDITIONAL ITEMS TO POLICY | COMMENTS |
|---|---|
| <p>Drivers</p> <p>2.10 Successful applicants will be notified in writing, and issued, with the appropriate licence. Those who are granted a driver's licence will be issued with a driver badge, which will remain the property of the council and must be surrendered when the licence is suspended, revoked or has expired.</p> | |
| <p>Knowledge Test</p> <p>2.15 You will need to pass the Council's Knowledge Test as part of the application process. The test will include multi-choice questions on Licensing Conditions, the Highway Code, knowledge of the area and literacy and numeracy and it will be conducted online at the Council offices.</p> | <p>Is this for all existing licensed drivers and new combined driver applicants, just new applicants or at the time of renewal?</p> |
| <p>Refund of Licence Fees – (not applicable to Insurance/Lease vehicles)</p> <p>2.24 In the event that a driver, vehicle or operator licence is not granted then the Council will refund the licence application fee. This does not apply to the other fees e.g. knowledge test, medical and DBS disclosure application.</p> <p>2.25 Should a vehicle or operator licence be surrendered during the life of the licence then a pro-rata refund (less admin fee) will be given for the unexpired portion of the licence. The date will be calculated from the date the licence is returned to the Council. Refunds will not be given for licences that are suspended or revoked.</p> | |

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| <p>Age Requirement</p> <p>3.9 All hackney carriage and private hire vehicles will not normally be considered for licensing unless they are under 10 years of age from date of first registration (date as shown on DVLA registration document). Vehicles presented for licensing that are less than 5 years of age will require an annual Vehicle Inspection Report to be completed by one of the nominated garages. Vehicles over 5 years will be required to have a Vehicle Inspection Report every 6 months:</p> | <p>Am I to understand that this will result in just the expense of an additional Vehicle Inspection if I have a vehicle over 5 years?</p> <p>With a vehicle of over 5 years will my vehicle licence also be for 6 months and if so will this be half the cost of a 12 month licence?</p> <p>Will my plates for a vehicle over 5 years only be valid for 6 months?</p> |
| <p>Vehicle Specifications</p> <p>3.16 The vehicle shall have side opening doors for each passenger (designed for the purpose of permitting persons' access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons' access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons' access to/from the interior).</p> <p>3.24 Estate versions of saloon vehicles fitted with seats in the rear luggage compartment may be licensed for more than 4 passengers, but the operator/proprietor must inform the customer that the vehicle has seats in the rear luggage compartment at the time of booking.</p> <p>3.25 The vehicle shall have a sufficient engine capacity (usually considered as 1400cc). Any hybrid/LPG, electric or other alternatively powered vehicle must have an engine size that is sufficient for use at full capacity.</p> | |

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| <p>Roof / Boot Racks & Bullbars</p> <p>3.32 No roof, boot racks or bullbars may be fitted to licensed vehicles during the currency of the licence.</p> | <p>To meet the needs of my clients I have recently invested in a towbar, a towbar mounted cycle carrier and a towbar mounted box for golf clubs and hiking equipment for the provision of tourism and leisure visits to Norfolk from other areas of Great Britain. It is not a trailer as it does not have wheels so are you labelling this as a boot rack.</p> |
| <p>Carriage of Portable Oxygen Tanks</p> <p>3.33 Hackney carriage/private hire vehicle drivers will accept the carriage of portable oxygen tanks for passengers that require their usage for medical purposes.</p> | |
| <p>Vehicle Testing</p> <p>3.34 No vehicle shall be first licensed or re-licensed unless the vehicle has passed the vehicle inspection at one of the Council's approved and nominated testing stations. All hackney carriage and private hire vehicles after 5 years (date as shown on DVLA V5 registration document) shall have a vehicle compliance test at an approved Vehicle Testing Station every 6 months. In addition, an authorised officer of the Council may inspect a vehicle for first licensing and/or upon renewal.</p> <p>3.35 The Council will not consider a grant or renewal of a vehicle licence unless it has been examined in accordance with the Council's Hackney Carriage and Private Hire Vehicle <u>Compliance Testing Standards</u>.</p> <p>3.36 Costs of such testing is payable by the person wishing to licence the vehicle. In addition, the history of the vehicle may be taken into consideration when determining whether the vehicle should be licensed.</p> <p>3.37 The 6 monthly compliance test certificate required for vehicles over 5 years old (see 3.34 above) must be produced to the Council within 7 days of the date of the test. Tests can be</p> | |

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| <p>List of Drivers to be maintained</p> <p>3.84 The vehicle proprietor/licensee shall maintain a list of names and addresses of all persons that have use of that licensed vehicle. The list shall be made available to authorised officers upon request.</p> | |
| <p>Transfer of interest in the vehicle</p> <p>4.5 If a proprietor of a licensed hackney carriage vehicle transfers his interest, in whole or in part, in the vehicle to any other person not specified in the vehicle licence, he must notify the Council within 14 days using the appropriate form. The form must be accompanied by any fee and supporting documents.</p> | |
| <p>Special Event Vehicles (Entire Section is New) Section 6.1 – 6.17</p> | <p>This is the only section you refer to Executive Vehicles. Since establishing in 2016 I have received exemption from displaying plates due to the nature of my business. Am I able to continue my everyday discreet private hire business through the Special Event Vehicle Application in which you refer to only being used for special occasions and business contracts or do I have to inform my clients that the service they have become accustomed to is not available anymore.</p> |
| <p>General Requirements</p> <p>7.7 When a licence expires, the Council will not permit any 'periods of grace' for the submission of a renewal application unless there is evidence of exceptional circumstances, accepted as satisfactory by the Council. Where the Council accepts there are exceptional circumstances it will notify the licence holder in writing and detail the period by which the renewal application must be received by the Council.</p> | |
| <p>Badges</p> <p>7.21 Where a licence has lapsed, been surrendered or revoked a new application must be submitted in</p> | |

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| <p>Failure to provide this information throughout the term of the licence may result in the suspension of the driver's licence by officers under delegated authority or referral to the Licensing Sub Committee for determination. Additionally, points may be applied to the driver's NNDC licence in accordance with the NNDC penalty points system.</p> | |
| <p>Safeguarding Training</p> <p>7.43 All existing licensed drivers and new combined driver applicants will be required to undertake Safeguarding Training as prescribed by the Council.</p> | <p>I warmly welcome the inclusion of Safeguard Training and as you refer to "safe drivers" which can only be identified through ongoing professional training, not just relying on a driving test someone took 30 years ago and "provide a first class customer service" again achieved through ongoing professional training it would be beneficial to have the name of the organisations the Council will appoint in carrying out this training. Highly recommend Roadcraft for driver training and Welcome Host Gold for Customer Service. Long time coming.</p> |

Licensing

From: Martin [REDACTED]
Sent: 01 June 2020 13:54
To: Licensing; Cllr. Nigel Lloyd
Subject: Changes to handbook

Dear sirs

I write to you to clarify 3.16 and 3.24 with regards to doors and entrance points into the vehicle. I have got a 8 seater Vw transporter minibus licensed currently with yourselfs with the new rules you have proposed going forward does this mean I can carry on licensing this under the new rules as when loading up the Passenger's up in the very back they have to get in the rear sliding door and have to fold the seat forward to gain access to the 3 seater bench seat hope this makes sense Also could I please bring to your attention while having to have a 6 monthly mot after the vehicle is over 5 years old I think it is a good idea for the peace of mind for customer safety. With being able to take it 28 days before the date for the 6 monthly check I can't see why you would then allow a further 2 months to get the repairs done as needed if any. A 6 monthly test is a 6 monthly test not a 6 monthly test stretched to 8 months for any repairs needed for safety reasons why would you allow this Also I would like to point out why don't you allow the MOT and taxi test take place at the same time. Because why is it we can/have to go to any MOT in the UK for a MOT and then go for the taxi test at one of your chosen garages when this can be done at the chosen garage at the same time. Just thought as you was making changes to the hand book and you've ask for responses I would bring this up and maybe you could include this in the changes Look forward to your response Many thanks Mr Martin Allen Please note I have included Nigel Lloyd portfolio holder in this email

Sent from my iPhone

Licensing

From: [REDACTED]
Sent: 02 June 2020 11:50
To: Licensing
Subject: Re: Consultation - Taxi Handbook and Policy
Attachments: image001.png

Lara

In response to your email i am pleased that NNDC are trying to achieve high standards . To give you my full view and opinion could you please answer the following questions so i can ascertain what my comments will be for the changes should i have any !! all questions are based on the new handbook proposals . Also some of the sections are confusing and contradictory as outlined in my questions below .

1. As per 2.15 which in new handbook is 2.16 !! is the knowledge test for new applicants only or new and renewal and what is the cost ?
2. What is the cost for renewal of vehicle license with taxi testing every 6 months is it still £130 for the year or will it be £65 every 6 months or £130 every 6 months ?
3. Will it be compulsory for all private hire vehicles to have signage on their vehicle as you have described as per 5.4 as at the moment i have an exemption certificate for certain jobs that i do (weddings , funerals , discreet chauffeur service) and will there still be exemption certificates ?
4. As per 3.14 you have stated that a special event vehicle (exec vehicle) is to be no older than 3 years old for first inspection yet in 6.4 you state that it should not normally be older than 5 years old . Is it 3 or is it 5 ?
5. Can you define what a special occasion is and what a special event is ?
6. Is there a difference in price cost to having a special events license to that of a normal private hire license ?
7. As my work is a combination of discreet chauffeur work , weddings , special events and private hire what license would i come under and as you know i have a lot of high end custom that use my services as i am also a licensed Close Protection Driver/Officer whom they use me as i do not display anything that resembles a private hire vehicle/taxi and my one and only vehicle is an executive vehicle . Therefore will i continue as i am with Private hire license and exemption certificate ?
8. As per 7.43 and the safeguarding training who will do the training and is there a cost for a course and certificate and will it be run by NNDC and will it be compulsory for new applicant or new and renewal ?
10. Last but not least when do these proposed changes come into effect and what is the proposed time frame ?

Regards
Chris Cockrell
Chauffeur Manager
Near and Far
[REDACTED]

Licensing

From: [REDACTED]
Sent: 17 June 2020 10:20
To: Licensing
Subject: Stalham Cabs

Good Morning,

With reference to the amended handbook i have an question concerning our wheelchair vehicle plate number HC22. The ramp size you say should be 750mm in width our ramp is 720mm, the length you say should be 1200mm ours is 1005mm.

Our vehicle is factory converted and we have spoke to Allied Mobility and the specifications are correct for that vehicle and cannot be altered. So for the sake of 1 1/2 inches in width and 6 1/2 inches in length which is nothing. How can this vehicle fail a vehicle inspection under your new rules.

Regards Trevor Hodds

Stalham Cabs

Licensing

From: Licensing
Sent: 18 June 2020 15:16
To: Cllr. Colin Heinink
Cc: Cllr. Richard Kershaw; Tracy Howard
Subject: RE: Taxi Licensing Changes

Cllr. Colin Heinink

Many thanks for your email.

With regards to the concerns raised within your email. The Local Authority are not permitted to use licensing fees as an income generating process. We have to operate on a cost recovery basis and we have to be able to justify our fees if ever we are challenged. This means that if a surplus is made in one year then the fees charged in subsequent years are amended to reflect this and on the opposite side of this if a deficit is made in one year then the fees can be increased in subsequent years to cover this deficit. In my experience, the operation of licensing hackney carriage and private hire vehicles, drivers and operators has operated with the trade receiving a subsidy from the local authority which was ratified by the councillors i.e. we are not operating at full cost recovery.

Knowledge tests are already in the current Policy and Handbook however we have never implemented them to all drivers. It is something that was asked for at the task and finish group in order to improve the knowledge and driving ability of the trade. It also brings us in line with some of our neighbouring authorities for example Kings Lynn and West Norfolk who require prospective drivers have to sit a knowledge test, safeguarding training and a driving assessment, Breckland District Council require their prospective drivers to undertake a driving assessment and Great Yarmouth Borough Council who can request both knowledge and safeguarding awareness training to be completed.

Six monthly test is for vehicles that reach an age of 5 years and older. This is to improve the quality of the fleet of vehicles licensed by North Norfolk. Again this was something that was requested at the task and finish group. Under licensing requirements are we entitled to request all vehicles to be tested up to 3 times a year including the MOT. We have some vehicles within the fleet which scrape through their annual vehicle inspections and have advisories on their MOT's. This extra test for vehicles of over 5 years is in order to protect the travelling public and improve the standard of vehicles on our roads. This can only be a good thing. Please see Department for Transport Best Practice Guidance section 32 Age Limits.

I hope the above answers your questions but please don't hesitate to come back to me should you have any further queries.

Regards

Lara Clare

From: Cllr. Colin Heinink [REDACTED]
Sent: 17 June 2020 15:45
To: Licensing <licensing@north-norfolk.gov.uk>
Cc: Cllr. Richard Kershaw [REDACTED]
Subject: Taxi Licensing Changes

Hi,

Hope I have the right email.

I have a number of concerns expressed to me around new licensing arrangements for taxis from a resident which I have listed below.

He is generally concerned about increased costs for local taxi drivers and considers the moves below to be a revenue raiser for NNDC.

I appreciate there are probably very good reasons for these but I wondered if you could give me the rationale behind the moves so I can explain further to the resident.

Many thanks,

Cllr Colin Heinink
Sheringham South

-Introduction of a knowledge test (How Much is this going to cost individuals? is it going to be an annual or just for new starters) Lets be honest do we need a knowledge test in this county and most cabs have sat nav any way.

-Six monthly taxi tests on vehicles over six years old whats wrong with annually, surely the DVLA yearly test and NNDC annual is sufficient?

-New licence plates.

Sent from my iPad

[REDACTED]

[REDACTED]

Licensing

From: Airport Chauffeurs UK.com - Norfolk Based [REDACTED]
Sent: 23 June 2020 18:49
To: Licensing
Subject: Re: Consultation - Taxi Handbook and Policy

Hi , Thanks for Email on the new Proposed Handbook .

Issues for me on handbook , 6 Month Taxi Mot or safety inspection on vehicle over 5 years old , I got 5-year-old Jaguar with only 30k on the clock , I got 2 other vehicles also with low miles, I try to spread the miles on the 3 vehicles over the year , aiming for about 15k per year on each vehicle . for me instead of age of vehicle it should be done by excess mileage (not age) , most modern cars today can easily do 150k without issues, hence why most councils end their lease on company work vehicles, which are then auctioned off with about 150k on the clock,

for me it should only have the 6-month Taxi mot or safety inspection, on any vehicles over 7-years or if miles are over the 150k, before 150k I feel the yearly DVLA MOT, and yearly Taxi Inspection is 100% enough, unless you consider DVLA not to be doing their Job Properly. That's 2 Mots a year , taxi mot and DVLA one .

The Taxi 10 Year rule should mean no Taxi can be on the road for this age or after - not even with the 6-month mot , so if you allow the initial plating up to 7 years , this then gives new drivers a start of 3 years to help them with there new business , as after the 10 year rule they then have to get a new vehicle , and any vehicle from 7 years to 10 years or over 150k miles, has to then have the 6 Month Taxi safety MOT . personally, I think that's how the rule should work , it's a much fairer system.

Executive cars : 3 year rule why ?? - what's the difference (Just the word Executive) , why Penalize the Executive market ,it's unfair.

The same rule should apply as above on Executive cars , allowed to plate vehicle from 7 years old up to 10 years - if miles under 150k , yearly mot and if miles over 150k - 6 month taxi mot .

Same all round, for all vehicles, at least council drivers and MOT stations know where they all are. one rule for all vehicles, age and excess Mileage all the same . Exec cars , Taxi and Private hire .

New Driver : knowledge test ??

Ridiculous, thats what a sat nav is for , I pick up all over the country, and even Europe , knowledge test for me , and my drivers will be never ending, as its also so difficult to find drivers today , when finding a driver, they don't always

live in the district , so you can't expect drivers whom live out of area, to know the large area of North Norfolk .

Driving ability test is ok for me , on new drivers, as with the influx of foreign nationals coming into the trade , some of there driving ability has to be questioned .

On mentioning foreign nationals,it has made me wonder how a foreign national can have a DBS check for Taxi , being from a war torn country , as there wont be any records, all the records are blown to bits ?? , so how are they allowed to have a license, don't make sense and not a fare system.

Seems they getting away without having a proper DBS , as it's just impossible to do it on them.

The only other issue I have is white kind of white roof light is required , is it a massive sail fin (not eco-friendly for fuel consumption)is it like the kings Lynn borough council have , big and bulky and wanting to have the north Norfolk logo on, most operators have brought eco-friendly ,small and very good to cut fuel consumption , which is better for ozone and pollution, especially when on long distance trips , such as airports etc .

be grateful if I can know the type of white roof light required , size etc .

White only , being bit racist isnt it , with only one choice in colour lol .

I believe there is other issues that have not been mentioned in the handbook , which I found out through the North Norfolk Taxi P/H association, so I will assume the Association or yourself will let us know the other new rules in due course .

until this time , as I don't know the other new rules , I can't comment , But I would wish to see the other rules when available, if you can send me , as it's my future here ,and I would like to have a say , that's if I survive the next 6 to 8 months .

I also feel it was a little unfair during these unprecedented times of financial hardship to release this handbook during these times of this Covid-19.

Businesses like ourselves have enough to deal with right now , with just covid-19 rules and regs and the Government guidelines we now have to follow ; this has had an effect on businesses all over with huge financial losses and now we got this Handbook of rules and regs also to contend with , all obviously with even more greater costs to operators, It was a bit mean to release this book , just as the lockdown was starting to ease, putting even more pressure on Drivers/Operators ,Sorry but Just my view, I am not moaning, as yes the handbook was due for an update ,but I just feel you could have been little more less ruthless on some of the rules, as I know a lot of operators have been calling myself on Other subjects in the book, this is going to put a lot of them out of Business, due to this Handbook. I am sure you had many Emails to contend with .

Anyway, please just consider how many companies are going to fold due to Covid alone, and now the proposed handbook also which has come along , will certainly now hit the nail on the head for most of them pushing them completely out of business , I am also wondering where my future lies with all these rules.

well anyway just my views , which you did ask for in your email, for all Operators\Drivers like myself having to reply back before AUGUST.

Anyway Let's just hope things get better for Everyone all round .

Thanks, and hope my info helps you

Kind Regards

Jason Cobb - Founder & Operations

is.php

(we have to replace bookings for drivers for last minute cancellations)

Sent from my BlackBerry — the most secure mobile device

From: Licensing <licensing@north-norfolk.gov.uk>

Sent: 29 May 2020 11:52

To: Licensing <licensing@north-norfolk.gov.uk>

Subject: Consultation - Taxi Handbook and Policy

Dear Sirs

Consultation on North Norfolk District Councils Hackney Carriage and Private Hire Policy and Handbook Edition 4

As an authority, we have followed good practice guidelines and we review our Taxi Policy and Handbook every 3 years. It was last amended in 2012 and edition 3 published. The policy was reviewed in 2015 and again 2018 with no amendments made.

We have updated the Policy and Handbook and it is currently in a draft format. Attached is the draft policy and handbook and a summary of the changes. The consultation is also on our website.

Licensing

From: Taxi Ko [REDACTED]
Sent: 02 July 2020 13:15
To: Licensing
Subject: New taxi rules

Categories: Lara

Hello

Further to my conversation with Lara, I have the following suggestions:

1. Knowledge test to be given only to new drivers, not existing ones.
2. Sending us notification of license expiries, one month before license expires, would greatly help.
3. 2 half yearly checks for vehicles over 5 years old


Licensing

From: Parkside Cars [REDACTED]
Sent: 21 July 2020 11:19
To: Licensing
Subject: Re: Consultation - Taxi Handbook and Policy
Attachments: NNDC Handbook Revision.pdf

Please find attached response to the Taxi Policy & Handbook amendment.

Regards

Debbie
Parkside



On Fri, 29 May 2020 at 11:52, Licensing <licensing@north-norfolk.gov.uk> wrote:

Dear Sirs

Consultation on North Norfolk District Councils Hackney Carriage and Private Hire Policy and Handbook Edition 4

As an authority, we have followed good practice guidelines and we review our Taxi Policy and Handbook every 3 years. It was last amended in 2012 and edition 3 published. The policy was reviewed in 2015 and again 2018 with no amendments made.

We have updated the Policy and Handbook and it is currently in a draft format. Attached is the draft policy and handbook and a summary of the changes. The consultation is also on our website.

Should you wish to respond to the changes, please return the attached summary of changes with your comments either by email, post by 25 August 2020. Any responses received after this date will not be included in the consultation.

Yours faithfully

North Norfolk District Council
Outline of changes to Policy and Handbook Edition 4



| AMENDED/ADDITIONAL ITEMS TO POLICY | COMMENTS |
|---|--|
| <p>Drivers</p> <p>2.10 Successful applicants will be notified in writing, and issued, with the appropriate licence. Those who are granted a driver's licence will be issued with a driver badge, which will remain the property of the council and must be surrendered when the licence is suspended, revoked or has expired.</p> | <p>CAN A DRIVER TAKE THE TEST BEFORE 2.24 BELOW!</p> |
| <p>Knowledge Test</p> <p>2.15 You will need to pass the Council's Knowledge Test as part of the application process. The test will include multi-choice questions on Licensing Conditions, the Highway Code, knowledge of the area and literacy and numeracy and it will be conducted online at the Council offices.</p> | <p>IS THIS FOR NEW DRIVERS ONLY?</p> |
| <p>Refund of Licence Fees – (not applicable to Insurance/Lease vehicles)</p> <p>2.24 In the event that a driver, vehicle or operator licence is not granted then the Council will refund the licence application fee. This does not apply to the other fees e.g. knowledge test, medical and DBS disclosure application.</p> <p>2.25 Should a vehicle or operator licence be surrendered during the life of the licence then a pro-rata refund (less admin fee) will be given for the unexpired portion of the licence. The date will be calculated from the date the licence is returned to the Council. Refunds will not be given for licences that are suspended or revoked.</p> | |

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| <p>Age Requirement</p> <p>3.9 All hackney carriage and private hire vehicles will not normally be considered for licensing unless they are under 10 years of age from date of first registration (date as shown on DVLA registration document). Vehicles presented for licensing that are less than 5 years of age will require an annual Vehicle Inspection Report to be completed by one of the nominated garages. Vehicles over 5 years will be required to have a Vehicle Inspection Report every 6 months:</p> | <p>This means with an MOT test that's 3 checks a year. This is too many. Why is this?</p> <p>o/o OF FAIL TESTS?</p> |
| <p>Vehicle Specifications</p> <p>3.16 The vehicle shall have side opening doors for each passenger (designed for the purpose of permitting persons' access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons' access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons' access to/from the interior).</p> <p>3.24 Estate versions of saloon vehicles fitted with seats in the rear luggage compartment may be licensed for more than 4 passengers, but the operator/proprietor must inform the customer that the vehicle has seats in the rear luggage compartment at the time of booking.</p> <p>3.25 The vehicle shall have a sufficient engine capacity (usually considered as 1400cc). Any hybrid/LPG, electric or other alternatively powered vehicle must have an engine size that is sufficient for use at full capacity.</p> | <p>DOWN TO US</p> |

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| <p>Wheelchair Accessible Specifications</p> <p>3.28 If a mechanical hoist is fitted to the vehicle this will be required to be inspected annually by the manufacturer or his approved agent and a certificate produced to that effect.</p> | <p>N/A</p> |
| <p>Lifts/Ramps</p> <p>3.29 Access to the vehicle must be possible from the road or pavement either by a lift or ramp. Any power-operated device must be capable of manual operation in the event of a power failure. The boarding device must have a safe working load of 300kg and operate under normal loading conditions without undue deflection.</p> | <p>AND OR</p> |
| <p>Ramps</p> <p>3.30 A ramp should be of slip resistance material and at least 750mm in width. The ramp should be capable of being deployed both onto the road and onto a 125mm high kerb. The ramp when deployed should be securely located at the point of entry to the vehicle. For side loading the ramp when deployed to the pavement should not exceed a slope of 1:4. For rear loading the ramp when deployed to the road should not exceed 1:4. When not in use the ramp should be securely stored in such a manner as not to block any of the vehicle doors and not to present a hazard to the vehicle occupants.</p> | <p>BLOCK OUR REAR DOORS.</p> |
| <p>Lifts</p> <p>3.31 The lift platform must be not less than 750mm in width and not less than 1200mm in length. The ramp should be equipped with a device to prevent the wheelchair rolling off and should operate at a vertical speed of less than 0.15m/s.</p> | <p>N/A</p> |

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| <p>Roof / Boot Racks & Bullbars</p> <p>3.32 No roof, boot racks or bullbars may be fitted to licensed vehicles during the currency of the licence.</p> | <p><i>False</i></p> |
| <p>Carriage of Portable Oxygen Tanks</p> <p>3.33 Hackney carriage/private hire vehicle drivers will accept the carriage of portable oxygen tanks for passengers that require their usage for medical purposes.</p> | <p><i>False</i></p> |
| <p>Vehicle Testing</p> <p>3.34 No vehicle shall be first licensed or re-licensed unless the vehicle has passed the vehicle inspection at one of the Council's approved and nominated testing stations. All hackney carriage and private hire vehicles after 5 years (date as shown on DVLA V5 registration document) shall have a vehicle compliance test at an approved Vehicle Testing Station every 6 months. In addition, an authorised officer of the Council may inspect a vehicle for first licensing and/or upon renewal. ✓</p> <p>3.35 The Council will not consider a grant or renewal of a vehicle licence unless it has been examined in accordance with the Council's Hackney Carriage and Private Hire Vehicle <u>Compliance Testing Standards</u>.</p> <p>3.36 Costs of such testing is payable by the person wishing to licence the vehicle. In addition, the history of the vehicle may be taken into consideration when determining whether the vehicle should be licensed.</p> <p>3.37 The 6 monthly compliance test certificate required for vehicles over 5 years old (see 3.34 above) must be produced to the Council within 7 days of the date of the test. Tests can be carried out by an approved testing station up to one calendar month before the 6 monthly point of the licence.</p> | <p><i>IS <u>LIST</u> ONLY S/L/CB TEST OR FULL TEST?</i></p> <p><i>WHAT ASPECT OF THE HISTORY??</i></p> |

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| <p>3.38 A vehicle which falls an inspection/safety check during the currency of a licence with the Council will have the fault(s) rectified and the vehicle re-inspected at the same testing station within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.</p> <p>3.39 A vehicle may be inspected by an authorised officer of the Council or a Police Officer, at any reasonable time. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle, he may give written notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the authorised officer or police officer is so satisfied. If the authorised officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).</p> | <p>?</p> |
| <p>Altered Vehicles</p> <p>3.40 Any vehicle which has been altered from the original manufacturers specification, re-registered or has been an insurance loss (categories C and D only) shall only be considered for licensing if the vehicle has been subjected to a satisfactory IVA or VIVA test (engineers report) from the Driver and Vehicle Standards Agency (DVSA).</p> <p>3.41 Vehicles without a DVSA engineers report will only be considered for licensing if they have been built to the manufacturers original specification.</p> <p>3.42 The IVA test is appropriate for vehicles not previously registered in the UK, and a VIVA for vehicles registered in</p> | |

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| <p>the UK to prove compliance.</p> <p>3.43 Category A and B (as defined by the Code of Practice for the Disposal of Motor Vehicle Salvage) write offs will not be considered fit for licensing.</p> | |
| <p>CCTV Cameras</p> <p>3.57 Suitable internal and external equipment, capable of recording both audio and video, may be installed, subject to the written approval of the Council, in all licensed vehicles. If fitted the system must comply with the ICO code and General Data Protection Regulation requirements.</p> | |
| <p>Low Emission and Electric Vehicles</p> <p>3.67 The Council encourages the uptake of low mission and electric vehicles in the District. The authority will seek to examine the feasibility of introducing schemes which help improve the charging network and aid drivers in testing and purchasing electric vehicles.</p> <p>3.68 The Authority recognizes that low emission vehicles can have a positive impact on the environment and any application receives for other low and ultra-low emission vehicles will be considered on its own merits</p> <p>3.69 The Council will waive the initial vehicle licence application fee for any application to licence a fully Electric Vehicle (EV) received for one calendar year from the date this policy became effective.</p> | |

External/Internal Advertising and Signs

3.77 The Council will allow advertisements to be placed upon a vehicle subject to the following:

- The proprietor of a licensed vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Council.
- Advertising is to be limited to the back door panels of licensed vehicles only. Advertising on parts of the vehicle in addition to the back door panels may be considered but only after prior written approval of the Council has been given. However, no advertising will be permitted on the windows of the vehicle.
- All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Council reserves the right to require the licensee to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
- No advertisement will be permitted that relates to or advertises alcohol, nudity, gambling, smoking materials or others of a political nature.
- The same advertising must be displayed on the nearside and offside doors of vehicles.
- Any advertising may cover both back doors.
- Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.
- In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi" or "cab" the use of which will not be permitted.

North Norfolk District Council
Outline of changes to Policy and Handbook Edition 4



| | |
|---|--------------------------------|
| <p>List of Drivers to be maintained</p> <p>3.84 The vehicle proprietor/licensee shall maintain a list of names and addresses of all persons that have use of that licensed vehicle. The list shall be made available to authorised officers upon request.</p> | <p align="center">✓</p> |
| <p>Transfer of interest in the vehicle</p> <p>4.5 If a proprietor of a licensed hackney carriage vehicle transfers his interest, in whole or in part, in the vehicle to any other person not specified in the vehicle licence, he must notify the Council within 14 days using the appropriate form. The form must be accompanied by any fee and supporting documents.</p> | <p align="center">?</p> |
| <p>Special Event Vehicles (Entire Section is New) Section 6.1 – 6.17</p> | |
| <p>General Requirements</p> <p>7.7 When a licence expires, the Council will not permit any 'periods of grace' for the submission of a renewal application unless there is evidence of exceptional circumstances, accepted as satisfactory by the Council. Where the Council accepts there are exceptional circumstances it will notify the licence holder in writing and detail the period by which the renewal application must be received by the Council.</p> | <p align="center">← ?</p> |
| <p>Badges</p> <p>7.21 Where a licence has lapsed, been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application.</p> <p>7.22 In the event that a driver's licence has been revoked by due process, a new application to drive will not be accepted for a minimum of one</p> | <p align="center">YEAR PTO</p> |

Licensing

From: Colin Albone [REDACTED]
Sent: 27 July 2020 20:19
To: Licensing
Subject: new handbook

Hi

I think the idea of 2 taxi tests a year is not required as there is already or should be a 3 month gap between MOT date and a taxi test which should be ok to check if car is good to be on the road.

Hope this is not just an excuse to get money from us and to give you more work, which you seem overloaded with already. What will the cost be if the same as the one we pay now there should be a price increase on the £3.60 now as the costs of all our overheads have risen a lot since the last increase.

Colin
alphacabs

Sent from [Mail](#) for Windows

Licensing

From: ashleyrjcolman [REDACTED]
Sent: 05 August 2020 17:39
To: Licensing
Subject: RE: FW: Consultation - Taxi Handbook and Policy

Not at all happy with this it needs to be discussed with the Taxi association as there are many things different to what you have shown.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Licensing <licensing@north-norfolk.gov.uk>
Date: 05/08/2020 16:38 (GMT+00:00)
To: Licensing <licensing@north-norfolk.gov.uk>
Subject: FW: Consultation - Taxi Handbook and Policy

Dear All

I am sending this email as a reminder the consultation for North Norfolk District Council's Policy and Handbook revision is still open and running until 24 August 2020.

Please read the draft handbook attached and if you have any comments, observations or amendments you would like to see included then please get any responses sent in before the end of the consultation period.

Kind regards

Lara Clare

Licensing Enforcement Officer

From: Licensing <licensing@north-norfolk.gov.uk>
Sent: 29 May 2020 11:53
To: Licensing <licensing@north-norfolk.gov.uk>
Subject: Consultation - Taxi Handbook and Policy

Dear Sirs

Licensing

From: david scott [REDACTED]
Sent: 05 August 2020 18:10
To: Licensing
Subject: Re: FW: Consultation - Taxi Handbook and Policy
Attachments: image001.png

Hello lara to be honest i think its an absolute joke and the council are just ripping taxi drivers off if these changes go ahead i will not be renewing my badge as i would not want to be associated with a council that feels it is fine to rip of it taxi drivers i know alot of the drivers who have licences with your council will be doing the same as my self

Please note i will be shaming ur council to ward of people stupid enough to drive under ur area if these absurd changes go ahead

The knowladge test is completely uncalled north norfolk is a giant area with many drivers including my self could not tell you the road names but we know them because its a reapeat customer basis

And as for test on cars every 6 months as a person who has worked with cars for a number of years 5 years old you are just having a laugh a car requiers its 1st mot on its 3rd year so 5th year not many things will be wrong

I dont beat around the bush and i will tell u how it is and we all know ur clawing back the money because of the covid 19 and u decide to attack the most affected people from the pandemic im ashamed to say i hold a licence with your council

And please stop lieing by saying its with in the guidelines what total rubbish london have removed the knowladge test so have alot of other places

I think the licencing department need to start telling the truth ur doing this to claw back money and ur attacking the taxi drivers and using a pore excscuse to do so

Well i hopw u will enjoy explaining to the people in north norfolk why there is not going to be hardley any drivers like before and i hope you tell them the truth because u ripped the drivers off

PLEASE READ THIS IN YOUR SILLY MEETING I WILL NOT HAVE THE ASSOSIATION SPEAK FOR ME

AND WE ALL KNOW THAT YOU WILL BRING THEM IN ANYWAY

If you can lie about bring changes like this in when the drivers are on there knees financially im a smart enough man to know your bring them in through the back door if not the front

Many thanks mr david scott

On Wed, 5 Aug 2020, 16:38 Licensing, <licensing@north-norfolk.gov.uk> wrote:

Dear All

Licensing

From: [REDACTED]
Sent: 05 August 2020 18:16
To: Licensing
Subject: Re: Consultation - Taxi Handbook and Policy

Hi Lara ,

Hope all is well, I only have a couple of queries regarding the new handbook.

I feel bringing in a new handbook in these tough times for us private hire / hackney drivers in which any additional costs incurred I feel is wrong. Additionally the extra cost incurred for vehicles over 5 years old with extra taxi tests, I don't disagree with the process as NNDC are very fair but just feel at this time where we are all at in the current climate I just feel delaying this would be just.

Regarding the knowledge test, I dont think this is needed in Norfolk personally, is this going to cost extra? Like ourselves we mainly do school contracts and private contracts to the airport's and pre booked work where we plan our routes in advance. Maybe for hackney carriage plated drivers this could be useful for but no private hire plated drivers, and with multiple question's regarding the highway code, maybe for the older generation who didn't have to do the theory tests but for those who had to put in the time and work there's no reason to have to keep going over it, we passed ours tests and the DSA don't make us keep going over it.

Any ways those are my only 2 concerns and hopefully compromises can me made.

Many thanks
James Garnish
Epic Private Hire
Owner

Sent from my Huawei phone

----- Original Message -----

Subject: FW: Consultation - Taxi Handbook and Policy
From: Licensing
To: Licensing
CC:

Dear All

I am sending this email as a reminder the consultation for North Norfolk District Council's Policy and Handbook revision is still open and running until 24 August 2020.

Please read the draft handbook attached and if you have any comments, observations or amendments you would like to see included then please get any responses sent in before the end of the consultation period.

Kind regards

Lara Clare

Licensing

From: [REDACTED]
Sent: 05 August 2020 19:06
To: Licensing
Subject: Handbook clarity

Dear Lara,

Thankyou for the email, just a couple of clarifications if you don't mind.

2.15 & 7.43

Is this relevant when badges expire or need to be done within a restricted time frame of the new handbooks release date?

Also whilst I am happy to comply with regulations of course, section

3.34 - 3.37.

Most drivers and operators have had a severe loss due to Covid-19,one of my vehicles has already had its badges removed due to financial losses. To stipulate the 6 month rule is not unjust maybe a mileage option maybe a more productive way forward? Every 40k or annual whichever comes first.

That way the vehicles are recorded accordingly, but certainly in these times my vehicle could potentially have one or 2 of this tests with exceptionally low mileage. This actually forcing us off road and larger companies who have rented vehicles out to drivers being the only ones that can afford to continue. The costs involved certainly this year have excelled above profit.

Timing I strongly feel should be taken into consideration. Re after the pandemic and business as usual so the extra enforcement can be complied with and afforded.

I look forward to hearing from you with clarity of other points and thankyou for your time.

Kind regards

Jacqueline Hustwitt

Lara Clare

From: Marie Malt <Marie.malt@west-norfolk.gov.uk>
Sent: 06 August 2020 06:57
To: Licensing
Subject: RE: Consultation - Taxi Handbook and Policy

Categories: Lara

Hi Lara (and team),

Hope you are all well.

The only comments I would make are that the proposed conditions are not in line with the DfT Statutory Standards which were publicised on 21st July. But completely understand that you have some updates and changes you'd like to make in any case. Just means you will have to carry out the process again shortly after you get these changes approved etc, as the DfT expect us to introduce the changes in line with their standards within 6m of the published date.

Thanks, M

Marie Malt

Senior Licensing Officer Cert HELL, MLOL
Borough Council of King's Lynn & West Norfolk
☎Tel: 01553 616200
✉E-mail: marie.malt@west-norfolk.gov.uk

 Please do not print this e-mail unless absolutely necessary - SAVE PAPER!

From: Licensing
Sent: 05 August 2020 16:38
To: Licensing
Subject: FW: Consultation - Taxi Handbook and Policy

Dear All

I am sending this email as a reminder the consultation for North Norfolk District Council's Policy and Handbook revision is still open and running until 24 August 2020.

Please read the draft handbook attached and if you have any comments, observations or amendments you would like to see included then please get any responses sent in before the end of the consultation period.

Kind regards

Lara Clare

Licensing Enforcement Officer

From: Licensing <licensing@north-norfolk.gov.uk>
Sent: 29 May 2020 11:53

Licensing

From: Cllr. Liz Withington
Sent: 06 August 2020 09:16
To: Licensing; Cllr. Liz Withington
Cc: Cllr. Virginia Gay
Subject: RE: Consultation - Taxi Handbook and Policy

Dear Lara

Following the receipt of this and with my alternative hat on as a Lead on Sheringham Dementia friendly Community. (SDFC) please could we add the requirement for taxi drivers existing or applying to complete a Dementia Friends course. These are available through the Alzheimers society online for free (approximately 45 minutes). <https://www.dementiafriends.org.uk/> They are also available as local sessions. (Post Covid) With the high % of elderly in the North Norfolk Community and high numbers of those living with dementia it is essential that those people involved in supporting our communities to continue to be independent have an understanding of how they can support that and the important role they can play. SDFC and myself have also been heavily involved with developing dementia awareness across our North Norfolk public transport network. In 2019 we worked with Sanders coaches and completed a 4 hour dementia awareness session with every driver and developed a module based on Dementia Friends for every new driver as part of their Induction training. We are also working with Greater Anglia to train Guards and Drivers in Norfolk along with the Community Rail Partnership to make the Bittern line Dementia Friendly. We are also aware from our running of local support groups how dependent those attending are often dependent on our local taxi services to be able to continue to attend and prevent loneliness and isolation and the inevitable decline in health and well-being associated with this. It is also vital for carers to be able to access these services as well.

I hope you can therefore see how beneficial it would be for the area to have a dementia aware taxi service as part of the public transport network.

I wondered if it could go in section 2.1. under safeguarding.

It would also be a very positive step for NNDC and some excellent publicity. If we were to try and establish North Norfolk as Dementia Action Alliance (as I hope we will) it would also be a contribution to this.

If you wish to discuss further or provide more Information please dont hesitate to get in touch.

Liz



Sent from Samsung Mobile on O2

----- Original message -----

From: Licensing <licensing@north-norfolk.gov.uk>
Date: 05/08/2020 16:38 (GMT+00:00)
To: Licensing <licensing@north-norfolk.gov.uk>
Subject: FW: Consultation - Taxi Handbook and Policy

Dear All

I am sending this email as a reminder the consultation for North Norfolk District Council's Policy and Handbook revision is still open and running until 24 August 2020.

Please read the draft handbook attached and if you have any comments, observations or amendments you would like to see included then please get any responses sent in before the end of the consultation period.

Licensing

From: timalexander321 [REDACTED]
Sent: 06 August 2020 11:25
To: Licensing
Subject: Amendments

Dear Lara,

Thankyou for your correspondence.

Just a couple of points as I am unclear, regard the knowledge test is this for new drivers? Or is this at renew al point for existing drivers or to be done as soon as amended handbook comes into place?

What is the proposed date for the New handbook to come into place?

Whilst I have no issue with alot of the amendments suggested, I do believe this should be deferred for at least one year.

Covid-19 has had a devastating affect, the financial pressure of this is extremely detrimental.

It is that I and fellow drivers and operators that I correspond with have the same issue, we would be paying out more but it doesn't warrant the cost at this time.

Hence actually forcing individuals off the road, larger businesses had support and indeed even local schemes to help support. Sole traders have not been so fortunate, to implement the new handbook during a pandemic will cause a huge loss of drivers, I do not believe this is wanted as there already is a shortage of taxis in this district. The cars over 5 years old having 2 tests a year, I am not against but with such low mileage so far this year and extra expense and time that would be required to do this is unfeasible.

The simplicity, is the income is not there to subsidise the costs. Profits made earlier in the year have been sunk into Covid-

19 precautions and indeed maintaining the vehicle, another outgoing on the hope of some work during a pandemic simply pushes myself and many others to look into other work.

Once the pandemic is over and usual movement is unrestricted this would be the time to move forward for the revised handbook.

Please acknowledge you have received my email in good faith, thankyou.

Kind regards

Timothy Alexander

Licensing

From: Norfolk Chauffeur Company [REDACTED]
Sent: 07 August 2020 09:30
To: Licensing
Subject: Re: Consultation - Taxi Handbook and Policy

Dear Licensing

Firstly I would like to comment as a general sweeping statement that I find it absolutely absurd to make licensing more difficult and also adding potential extra cost for licence holders at this particular time. We are in the middle of the most serious world pandemic we have ever faced. The private hire/chauffeur industry has been completely obliterated because of this so making changes and adding extra cost I believe would be the final nail in the coffin to an industry that almost doesn't exist right now. Where is the logic in making these costly changes when everybody is already on their knees? I agree that things need updating, but why now? It's not even feasible to have face to face meetings and consultations to discuss these changes due to social distancing. The timing of this amendment is ill thought out, unethical and not logical. Why not let people try to recover from the situation first, then maybe look into it again? The industry is in tatters, are you aiming to completely cripple it?

I have particular issue with the following points:

2.15. I am assuming existing licence holders will not need to pass a knowledge test? I don't believe existing licence holders would need to pass this test as you have already been satisfied that the licence holder is suitable to convey passengers. Or are you now saying we haven't been suitable all of this time? I am also assuming that there will be no extra charge for this test? **Or will be there yet another fee to pay?**

3.9. I have a 2015 Jaguar XJL used solely for chauffeuring purposes. It is currently inspected and M.O.T'd every 12 months. This vehicle, because of the nature of the work it does is kept in exemplarily mechanical and cosmetic condition as that is what clients require. The **ONLY** benefit of a 6 monthly inspection would be a financial one for the council. I would be more than happy for a 6 monthly inspection if the new required inspection was paid for by the council. It would be yet another cost, at a time when this industry literally no longer exists, that would seal the fate of many businesses. There is no logical reason to inspect a vehicle over 5 years old every 6 months. 10 years old and over maybe. Surely the age of a vehicle is irrelevant, surely it should be based on what the vehicle has done historically. For example a one year old vehicle that has covered 250,000 miles will be in far worse shape than my 5 year old vehicle that has covered 70,000 miles. So maybe it's not the age, but the mileage of a vehicle that should be used to determine inspection periods. It seems the council are pushing for newer vehicles to be licensed which quite honestly, **NO ONE CAN AFFORD RIGHT NOW**. We are in the middle of a world pandemic.

7.43. I have no issue with taking safeguarding training. But to put it simply, I won't be paying for it. Once again, as with the above points, this appears to be a yet another revenue generator for the council.

So to summarise. **BAD TIMING**. I urge the council to strongly reconsider even trying to implement these changes during the most difficult and challenging times we have ever faced. Had these changes been proposed in January it would have been frustrating that you are adding extra costs to an already exhausting and costly licensing process. Doing it now is nothing short of greed and total lack of consideration to **EVERYONE** in this industry.

Kind regards

Oliver Deakin
Norfolk Chauffeur Company



| AMENDED/ADDITIONAL ITEMS TO POLICY | COMMENTS |
|---|---|
| <p>Drivers</p> <p>2.10 Successful applicants will be notified in writing, and issued, with the appropriate licence. Those who are granted a driver's licence will be issued with a driver badge, which will remain the property of the council and must be surrendered when the licence is suspended, revoked or has expired.</p> | <div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>NORTH NORFOLK D.C.</p> <p>18 AUG 2020</p> <p>POSTAL SERVICES</p> </div> |
| <p>Knowledge Test</p> <p>2.15 You will need to pass the Council's Knowledge Test as part of the application process. The test will include multi-choice questions on Licensing Conditions, the Highway Code, knowledge of the area and literacy and numeracy and it will be conducted online at the Council offices.</p> | <p><i>Once the Council agrees an exam system. Then a period of time - two or three months - must be allowed before it is introduced. Drivers will need time to revise for any introduction of an exam system. It would be wrong to say the new system was approved on Thursday and exams will be held on Friday</i></p> |
| <p>Refund of Licence Fees – (not applicable to Insurance/Lease vehicles)</p> <p>2.24 In the event that a driver, vehicle or operator licence is not granted then the Council will refund the licence application fee. This does not apply to the other fees e.g. knowledge test, medical and DBS disclosure application.</p> <p>2.25 Should a vehicle or operator licence be surrendered during the life of the licence then a pro-rata refund (less admin fee) will be given for the unexpired portion of the licence. The date will be calculated from the date the licence is returned to the Council. Refunds will not be given for licences that are suspended or revoked.</p> | |
| <p>Age Requirement</p> <p>3.9 All hackney carriage and private hire vehicles will not normally be considered for licensing unless they are under 10 years of age from date of first registration (date as shown on DVLA registration document). Vehicles presented for licensing that are less than 5 years of</p> | |

Licensing

From: Northrepps PC [REDACTED]
Sent: 20 August 2020 13:19
To: Licensing
Subject: Re: Consultation - Taxi Handbook and Policy

Categories: Lara

Dear Lara

Following a conversation with local taxi drivers, members of Northrepps Parish Council wish to object to the following:

- taxi drivers not being allowed to park on the streets near their homes at night
- taxi drivers having to replace signage on the car roofs to a different colour
- taxi drivers having to learn 'The Knowledge'

Kind regards
Janet Warner
Clerk to Northrepps Parish Council

On 5 Aug 2020, at 16:38, Licensing <licensing@north-norfolk.gov.uk> wrote:

Dear All

I am sending this email as a reminder the consultation for North Norfolk District Council's Policy and Handbook revision is still open and running until 24 August 2020.

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Kind regards

Lara Clare
Licensing Enforcement Officer

From: Licensing <licensing@north-norfolk.gov.uk>
Sent: 29 May 2020 11:53
To: Licensing <licensing@north-norfolk.gov.uk>
Subject: Consultation - Taxi Handbook and Policy

Dear Sirs

Consultation on North Norfolk District Councils Hackney Carriage and Private Hire Policy and Handbook Edition 4

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Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities **“must have regard”** to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be 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. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. **Ways to make complaint to the authority should be displayed in all licensed vehicles.** This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 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 pose oneself 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?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – ‘*Together, we can tackle child abuse*’ which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 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.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to 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 provided in the annex to this document (Annex – Assessment of previous convictions), 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.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name 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.

8.14 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.

8.15 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.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case 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. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

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 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 be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, 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 seven years have elapsed since the completion of any sentence imposed.

Sexual offences

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

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

Dishonesty

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

Drugs

Where an applicant has any conviction for, or related to, the supply 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 five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period 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 seven 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. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting 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

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 seven 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 five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

| Information included | Type of check | | | |
|--|---------------|--------------------|--------------------|--|
| | Basic check | Standard DBS check | Enhanced DBS check | Enhanced DBS (including barred list) check |
| Unspent convictions | Yes | Yes | Yes | Yes |
| Unspent cautions ¹ | Yes | Yes | Yes | Yes |
| Spent convictions ² | No | Yes | Yes | Yes |
| Spent cautions ^{1 & 2} | No | Yes | Yes | Yes |
| Additional police Information ³ | No | No | Yes | Yes |
| Barred list(s) Information ⁴ | No | No | No | Yes |

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.



**North Norfolk
Taxi & Private Hire Association**
Website: NNTPHA.WEEBLY.COM



Review of proposed NNDC Handbook edition 4

North Norfolk Taxi & Private Hire Association have reviewed the proposed NNDC taxi handbook Edition 4 and listened to its members before compiling the following report.

The associations report highlights observations and suggested ammendments that allow the council to continue to put public safety at the forefront whilst not adding additional financial burden to an essential business sector of the community that has, along with others, suffered servere financial hardship during the pandemic with no signs of any recovery in the near future.

Many operators have seen all their long distance bookings canceled and with North Norfolk having a large population of elderl y people local operators have seen a drop in their daily trade as a high proportion of customers minimise how much they go out as they shiel d.

The association has expressed desire to enter into talks about the various changes.

It has expressed concerns over the timing of this consultation process and the apparent lack of empathy shown towards the tra de in its release, given that it has been many years in the making.

It also questions the number of responses these email consultations tend to receive.

It is strongly beleived that as this was only sent out by email there are people who haven't received the consultation, eithe r because they don't have computers or email addresses or email addresses held by the council are no longer current.

The association has had the same issues and tried to address them this year with its website and text messaging and its close d Facebook group which has seen a much greater success in getting information out than when we only used email.

The report has highlighted in Black and yellow in the left hand column the various sections that where not included on the fe edback forms, whilst the handbook was made available to read it would be fair to say that some may assume that the comments form includes a ll the changes, theres nothing to suggest it doesnt.

Unless you were very familiar with the current handook or spent time comparing them it would be hard to know what has changed .

The association has listed everything on the report it wishes to draw attention to and comment on and looks forward to being able to discuss the proposed changes further either face to face or via a zoom meeting.

The overall view is that, whilst it is accepted the current handbook needs updating, even if only for page numbers and bullet points, some changes will unnecessarily add to drivers and operators expenses and some sections are just adding rules which will increase the likelihood of people making errors, the more rules there are, the more there is to get wrong or forget.

There are sections that whilst the rule hasn't changed, it has been expanded on.

The proposed new handbook now covers 58 pages as opposed to the current edition only being 34 pages and appears to obmit the final page of the current addition covering the Procedure for Hackney Carriage Fare Increases.

The associations message if the council want people to know the handbook would be fewer pages, fewer rules.

Kind regards

Steve Heels
NNTPHA secretary
07881507080

NNTPHA feedback on draft taxi handbook

| | |
|-----------|--|
| page Nos | Section 1 |
| | Introduction only |
| | |
| | Section 2 |
| Pg 10- 13 | Application process |
| 2.1 | |
| 4 | (new form) to check DVLA driver details |
| | |
| 7 | Taxis drivers test past certificate (Not mentioned anywhere Else in Book) Also thrown out in 2012 |
| | |
| 9 | New Safeguarding Training |
| | NCC Badge holders have to do one will this be accepted ? (Will this be E learning video to watch on laptop) ? (How will it be enforced) ? |
| | |
| | Knowledge test |
| | The Trade supports this but would like to see it localised to the area the driver will be working. There would be 5 areas knowledge tests, Fakenham, Sheringham, Cromer, North Walsham & stalham, the driver would select an area upon application. The Association would like more details & costs & would like an input into the questions These could be set based on operator led questions from a given area. |
| | |
| 2.13/ | States medical to be done by A medical practioner |
| 7.1.2 | States YOUR medical practice (This change to the handbook would prevent getting the best price, IE(Mundesley were £80 Cromer are £127) |
| | |
| 2.13 | Also states medical every 5 years and annually after 65 years of age |
| | The medical was set at 6 yrs in 2012 as it ran in line with the 3 yr Lic renewals and 3 yr DBS The Association apposed making it 6 yrs for over 65s but was told it was descriminatory not to. This was also confirmed in a letter to Norman Lamb MP. Has the equalities Act changed ? |
| | |
| 2.15 | Knowledge test etc |
| | Current handbook states: Tests to assess applicants driving ability & in appropriate circumstances a knowledge of the area (bottom of pg 4 Edition 3) See comments in section 2 |
| | |
| 2.17 | Annual disclosure to NNDC of Drivers and vehicles |
| | The Trade does not support this and believes records should be kept and made available |

| | |
|-----------|--|
| | on request as current rule, Licensing have a list of vehicles belonging to each company from renewals & current badged drivers. It just adds extra work load to operators, |
| 2.22 | Upto 1 month before expiry (Current handbook states applications should be in at least 3 week prior to renewal) That only leaves a 1 week window. Licensing need to reduce the turn around time in line with West Norfolk, which is 3 days. |
| 2.23 | No longer accepting scan docs/email application forms, except forwarded insurance docs from (Droconian/inconvenient/time consuming) Should be moving forward not backwards |
| 2.24 | Refunds will be given on applications refused not including tests/medicals/DBS etc Applications should be processed and granted subject to receiving the above except for DBS Association suggests an order of which things are done to minimise expense to applicant |
| 2.25 | An admin fee will be charge (define admin fees) This could be part of 2.24 |
| Pg 13 -24 | Section 3 Vehicles |
| 3.9 | 2 tests per year if vehicle over 5 years old The Trade wishes to make clear this will add costs to an operator. We propose that and MOT should be done in the 6th month after the taxi test This would mean ALL vehicles of All ages will have 2 tests per year thus increasing the safety standard, it would also mean there was no 2 month moratorium on 2nd test failures Some operators would need 2 MOTs in year 1 but would not incur extra costs from then on |
| 3.10 | Sub committee will consider vehicles over 10 years if in exceptional condition See stated case |
| 3.11 | Definition of exceptional ? |
| 3.14 | contradicts 6.4 (Exemptive vehicles falling under specialist vehicles) |
| 3.16/3.17 | Doors/exits on minibuses needs clarifying Operators concerned about existing vehicles that don't meet this criteria and also passengers not wanting to travel backwards for long journey's. Many minibuses except those designed specifically as taxis, have forward facing seats & are not moveable. |

| | |
|------|---|
| | Emergency services have stated that they do not remove people through doors if they need to be extracted. |
| | |
| 3.24 | applies to above |
| | |
| 3.25 | additional details added for Hybrids and electric cars |
| | |
| 3.26 | Bullet point 1 (must be sufficient space for wheelchair to turn) |
| | This is only relevant to black cabs of which Nth Norfolk has none our WAVs are rear loading |
| | |
| | Lifts |
| 3.28 | Tested by approved person or contractor of the lift company (what happens if original company doesn't exist anymore) Should be worded as "an approved contractor" not his |
| | |
| 3.29 | (New) lifts and ramps Relevant to Black cabs only, Non in Nth Norfolk |
| | |
| 3.30 | (New) Ramps Could only apply to non fixed ramps and not those factory built vehicles with fixed ramps which in the main in Nth Norfolk are all rear loading. |
| | |
| 3.31 | (New) Lifts Email sent to Steve Hems on 15th July covering the concerns over this entire section |
| | |
| 3.32 | New |
| | |
| 3.33 | (New) Carriage of portable oxygen tanks |
| | |
| | Vehicle Testing |
| | |
| 3.34 | (New) Vehicles over 5 yrs old must have 6 monthly tests See 3.9 comments |
| | |
| 3.35 | Can licensing make this more widely publicised for operators as it isn't currently |
| | |
| 3.37 | Relates to above 3.34 However another option would be a mileage based inspection as this determines wear and tear more accurately |
| | |

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| | |
| 3.38 | relates to above |
| | Garages should be able to complete repairs if requested to do so, current spend limit is to low |
| | Appointed garages should also have a list of items that dont constitute a re test fee |
| | |
| 3.39 | Need definition of wording - reasonable is to ambiguous |
| | Consideration should be even to an operators diary where possible |
| | Though it is accepted that this is the wording used in the MPA 1976 sec 68 |
| | |
| | New section Altered vehicles |
| 3.40 | New detail |
| | |
| 3.41 | New detail |
| | |
| 3.42 | New Detail |
| | |
| 3.43 | New detail |
| | |
| 3.44 | (New detail) Cleanliness of vehicles before a taxi test |
| | |
| 3.46 | (updated requirement) must fill in NNDC form after accident |
| | This is a time consuming addition |
| | |
| 3.52 | Exception on above rule |
| | |
| 3.53 | |
| 1 | More detail on fire equipment |
| | Questionable/ just needs to specify which one NNDC require a taxi to have |
| | |
| 2 | More detail on first aid kits |
| | First aid kits are purchased as a pre packed item not individually chosen section should specify which Kit is required if this is necessary. |
| | |
| 3.57 | Covers CCTV |
| | Does this cover External dash cams that are currently and widely used |
| | |
| 3.63 | Applies to LPG |
| 3.64 | Applies to LPG |
| 3.65 | Applies to LPG |
| 3.66 | Applies to LPG |

| | |
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| | |
| 3.67 | Applies to Electric vehicles |
| 3.68 | Applies to Electric vehicles |
| 3.69 | Applies to Electric vehicles |
| | Insufficient incentive given high costs of purchasing such vehicles |
| | No where near enough charging points to be an effective alternative |
| | |
| 3.70 | New entry on tinted windows |
| | |
| 3.77 | (New) Advertising permitted on rear doors of vehicles subject to approval |
| | Whilst this is welcomed by the trade, restricting this to the rear doors is prohibative as many operators have there logos and phone numbers over these areas, therefore adding the rear |
| | quarter panels to the pre approved areas would be more beneficial. |
| | It appears that far to much detail is laid out in section 3.77. If the council have to approve |
| | everything first then why not just say each case will be approved on its own merit. |
| | |
| 3.78 | (New detail) Taxi plate must be readable from at least 5 metres |
| | Based on whos eyesight, suggest it is worded clean and visable at al times. |
| | |
| 3.83 | (New detail) lost and stolen plates |
| | who pays for a stolen plate ? |
| | |
| 3.84 | Existing rule |
| | Is this everyone, HC and PH operators inc employees |
| | |
| 3.86 | No Advertising on Trailers |
| | This rule prevents an operator from earning additional income. This should fall under 3.77 |
| | |
| 3.87 | New detail on trailers |
| | |
| | |
| Pg 24 - 27 | Hackney Carriage vehicles |
| | |
| 4.1 | New introduction |
| | |
| 4.2 | New information |
| | |
| 4.5 | Appears to be new |
| | Taken from section 49 of MPA 1976 |

| | |
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| 4.13 | Need definition of wording - "reasonable" as to ambiguous |
| 4.14/4.15 | New wording |
| 4.17 | (New rule) All Taxi roof signs must be white and design approved by council This will cost operators who do not already have a sign that meets the new design & shape The council could alleviate this by offering a years free renewal where an operator had to replace the sign or could phase this in with new operators and where replacement roof signs where needed, but ordinarily they tend to last a long time. This would also make more sense if PH vehicles started having Yellow roof signs with PRE BOOKED ONLY on the colours would tie in with the ptaxi license plate. |
| 4.19 | (New rule) Taxi roof sign must be readable from 20 metres away This means the word 'TAXI' should be the same size as a number plate letter (50mm wide x 79 high) stating the measurements in the handbook would be clearer. |
| | vehicle inspections |
| 4.20 | (new rule) covers 6 monthly tests |
| 4.21 | (new rule) covers 6 monthly tests |
| 4.22 | (New detail) on periodic vehicle inspections 2 months grace to get repairs done See section 3.9 |
| | Section 5 |
| | private Hire vehicles |
| 5.2 & 4.5 | New insertion taken from Misc provisions act 1976 section 49.1 |
| | Vehicle signage |
| 5.4 | Private hire vehicles must have NNDC door signs stating Pre booked only Not compatible with expensive vehicles, also discolours paintwork. Many PH vehicles are also used as private cars. Yellow roof signs could be allowed stating 'Pre Booked only' if requested but would have to have door magnets to use Norwich bus lanes, but not sign written |
| 5.5 | relevant to above Unreasonable for executive PH vehicles that specialise in long distance hire Also involves additional expense |

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| Pg 28 - 30 | Section 6 |
| | Special event Vehicles |
| | |
| | All new category |
| | |
| Pg 30 - 36 | General requirements |
| 7.0 | Combined Hackney and PH drivers lic |
| | |
| 7.1 | Edition 3 states minimum of three years |
| | New rule states 12 months |
| | |
| 7.1.2 | Changed from ANY Drs to YOUR medical practice |
| | Financially disadvantages drivers |
| | |
| 7.1.3 | Authorise NNDC to check your driving history with DVLA |
| | |
| | DBS checks |
| | All new DBS applications should be encouraged to sign up to the electronic update service in line with 6.2 of the New statutory guidance of July 2020 |
| | |
| 7.3 | States medical every 5 years and annually after 65 years of age |
| | states by a medical practitioner but then refers to Your Dr. Contradicts 7.1.2 |
| | Attention is drawn to the response at 2.13 |
| | |
| 7.14 | Must notify council if PH driver changes operator they're working for within 7 days |
| | |
| 7.21 | New detailed wording for new applications |
| | |
| 7.22 | If a license is revoked you can't reapply for 1 year |
| | This is not appropriate, as new evidence can come to light which could facilitate a new application as an avenue to avoid costly court appeals and this rule would not be in line with the new statutory guidance 9.8 & 9.9 |
| | |
| 7.23 | New rule provide copy of driving license annually |
| | Council given authority to check DVLA licenses periodically under 7.1.3 |
| | |
| 7.27 & 9.15 | Updated details on how to deal with a body |
| | |
| 7.28 | cover seat belt rules |
| | Clarity and discussion required for all operators especially where contracts are carried out |
| | |

| | |
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| 7.31 /7.32 | Procedue for finding lost property has changed Call 101 get report number take to police within |
| 9.16/9.17 | 72 hrs increase from 24 |
| | Experience of calling 101 is of poor response/unanswered and time consuming. |
| | Existing rules are adequate with addition of (if not claimed by or on behalf of its owner) |
| | |
| 7.34 | Rule change to must put animals in rear of car unless specialist dogs |
| | 2012 handbook left to descretion of driver & should remain |
| | |
| 7.40 | (New rule) Must notify NNDC if NCC badge revoked |
| | |
| 7.41 | Covers smoking & E cigs |
| | |
| 7.42 | Failure to provide |
| | |
| 7.43 | Must take watch safeguarding video |
| 2.1.9 | Response in 2.1.9 |
| | |
| 7.44 | both sections cover equalities act |
| 7.45 | |
| | 165 of the Act only applies where a council has implemented section 167. Unaware that NNDC have |
| | |
| 7.46 | refers to 7.41 but is incorrect as this covers smoking |
| | |
| | |
| Pg 37 - 39 | PH Operators |
| 8 | General requirements |
| | |
| 8.1 | Contravenes Misc prov act 1976 section 57.2b |
| | This was addressed questioned with Gemma in 2016/17 and after taking advise emailed to confirm it was correct |
| | |
| 8.2 | (New) Operators must have DBS check done |
| | |
| 8.6 | (New rule) Operator must inform NNDC of drivers joining and leaving firm |
| | Uncertain of the need for NNDC to track who drivers are working for. |
| | complaints would target a driver directly or name the company whom he was driving for |
| | This just adds more work load to operators |
| | |
| 8.7 | this is the same as 8.11 just more breif |
| | |

| | |
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| 8.11 | same as 8.7 just more detail |
| 8.13 | (change to rule) records must be kept for 3 years instead of 6 months Excessive increase, is there any justification ? |
| 8.15 | (New rule) PH operators must keep records of vehicles held |
| 8.19 | Refers to equalities act |
| 8.20 | PH operators need to supply proof of planning permission on application Difficult to prove that you dont. Planning arent that helpful, but there is a form from NNDC that outlines when you do which is where planning direct people. Cost involved for letter |
| 8.23 | Changed from notifying council to keeping records |
| 8.28 | (New rule) Must have enough parking spaces for all vehicles waiting for bookings and notify council upon application or when space numbers change |
| Pg 40 | Hackney carriage bylaws |
| 9.2 | |
| 2 | Vehicles must display in 38mm high letters the Words' For Hire' when available and must be visable from outside the vehicle. |
| 9.15 & 7.27 | Updated details on how to deal with a body |
| 9.16 | |
| 9.17 | Covers lost property and duplicates at 7.31 & 7.32 |
| pg 43 - 44 | Penalty points |
| 10 | Points offences increased by 14 offences (27 - 41) (PP16) does not allow for vehicles that have run flats, (PP27) could be made obsolete (PP32) needs to cover all of 7.41 not just smoking (PP36) should not include bulbs as they can blow at any time. |
| | Minor traffic offences |
| 11.1 | Increases from 0 suspensions 12 months to no more than 2 in 2 years Is this only relevant to new applictants or to renewals to |

| | |
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| | |
| | |
| 11.2 | (New) accumulation of 9 or more points could lead to a refusal of an application |
| | |
| Annex 1 | Page 47, 48, Accident report form |
| | Refers to 3.46 |
| | 2012 handbook allows you to just email within 72 hrs |
| | could be supported by photo and council can request further info/visual inspection if required |
| | This rule along with others just adds to admin of operators especially given the change shown |
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