

Hackney Carriage and Private Hire Licensing Policy

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1.0 Introduction

- 1.1 Nuneaton and Bedworth Borough Council ("the Council") is the licensing authority for hackney carriage/private hire drivers and vehicles and operators for the Borough of Nuneaton and Bedworth.
- 1.2 The principal legislation governing the licensing of taxis and private hire is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions Act) 1976. The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. The Department has produced Statutory Taxi & Private Hire Vehicle Standards and the Best Practice Guidance for licensing authorities which sets out standards which can be considered good practice in this area of licensing, although it also recognises that individual licensing authorities should produce their own policies in relation to specific licensing matters. Both guidance documents have been taken into consideration in preparing this policy.
- 1.3 In developing this policy document the Council has set out to achieve the following objectives:
 - Promote public safety and good practice by only licensing fit and proper persons
- 1.4 In order to meet these objectives, the Council has set minimum requirements for the licensing of drivers and operators. These requirements include:
 - Checks on drivers including medicals, criminal record checks (i.e., Disclosure & Barring Service checks), driving licence checks, testing of the applicants' knowledge of the area, together with literacy and numeracy skills and promotion of good practice and knowledge of safeguarding.
 - Checks on private hire operator records and premises.
 - Checks of suitability of vehicle proprietors
- 1.5.1 Furthermore, the Council undertakes to uphold its commitment to the objectives by carrying out a program of planned inspections and checks and the investigation of complaints to monitor and enforce compliance with legislation and licence conditions, with appropriate action taken in accordance with this policy and the following:
 - the Council's enforcement policy
 - Ongoing training and development of Officers and members of the Licensing Committee.

Provision of information to the private hire and hackney carriage trades and members of the public through press releases and publications, the Council website and attendance at any relevant forums.

2.0 Review of Policy

- 2.1 The Council has consulted widely on the adoption of this policy. The Council will review the policy every 5 years, or it will be re-assessed following any changes in legislation relevant to the area of taxi and private hire licensing and following any review of relevant DfT Guidance. The Council may at any time review any of the elements of licensing covered

by this document and appropriate consultation will be carried out in respect of that element only if it is not part of a comprehensive taxi and private hire policy review.

- 2.2 The policy and associated documentation is available on the Council's website at www.nuneatonandbedworth.gov.uk (under taxi and private hire licensing). Hard copies are available from the Licensing Section – contact by email at licensing@nuneatonandbedworth.gov.uk or by telephone on 024 7637 6222 between 9am -1pm.

3.0 Hackney Carriage and Private Hire Drivers

- 3.1 The statutory and practical criteria and qualifications for hackney carriage drivers and private hire drivers are broadly similar. The sections below, therefore, apply equally to both.

3.2 Dual Licences

- 3.3 The Council issues both dual driver, that entitles the holder to drive both licensed hackney carriages and private hire vehicles, and private hire only, which allows the driver to driving private hire vehicles only.

3.4 Private Hire Driver Licence (only)

- 3.5 We will continue to provide a standalone Private Hire Driver's licence which will alleviate the need to sit the Knowledge test, but the applicant will still need to take and pass the comprehension and numeracy test and all other requirements including safeguarding training. The knowledge test will be allowed to be taken later and upon passing will enable the driver to have a Dual Licence, an additional admin fee will be incurred.

3.6 Period of Licence

- 3.7 The maximum duration of a driver licence a Local Authority may issue a licence is 3 years, and this is the period for which the Council will normally issue licences, subject to the applicant meeting the Council's licensing requirements and any circumstances that justify a shorter period.
- 3.8 Exceptions do occur at such times as if the applicant does not have 3 years permitted leave to remain in the country or would require a new medical. Yearly licences will be issued for drivers over 65, who are also required to sit an annual medical examination. The Licensing Committee may, considering an applicant's circumstances, convictions etc, issue a licence for a lesser period and request additional checks to be undertaken. We may also consider issuing a shorter licence period if requested by the applicant.

3.9 Age and Experience

- 3.10 The Council does not specify a minimum or maximum age for applicants. Although there is a statutory requirement that applicants must have held

a full UK Driving Licence or equivalent if appropriate, for a period of at least 12 months before an application can be considered. Applicants should note that a provisional licence and pass slip would not be considered to meet this requirement.

- 3.11 A DVLA driver endorsement check will be required for all new and renewing applicants to ensure the validity of the applicant's right to drive. There are specific restrictions on non-UK (or equivalent) driving licences depending upon the country of issue. Applicants are therefore advised to contact the DVLA for clarification before applying for a hackney carriage or private hire drivers licence.
- 3.12 More frequent medical checks will be required for older applicants – see Section 4.7 on Medicals for further details. The fee will reflect the difference in period of the duration of the licence.

4.0 Training

- 4.1 Nuneaton and Bedworth Borough Council recognises that the role of Hackney Carriage and Private Hire Drivers is a professional one. Hackney Carriage and Private Hire Drivers transport our most vulnerable persons and are often the first point of contact for visitors to the Borough
- 4.2 The reason for training is to ensure that the travelling public within Nuneaton and Bedworth can be confident that the drivers licensed by the authority have been trained to the highest standard.
- 4.3 All new and renewal applicants will have to undertake the following training and testing before being licensed.
- An English test (not required for renewals)
 - A Numeracy test (not required for renewals)
 - Local knowledge test (for hackney carriage only, not required for renewal)
 - Wheelchair users training
 - Users with assistant dogs
 - Safeguarding training - test to include
 - Adults safeguarding
 - Vulnerable passengers
 - Elderly passengers
 - Equality and Disability awareness
 - Recognising nonvisible disability
 - Child Sexual Exploitation
- 4.4 The applicant will be given three attempts to complete and pass the training programme. If the applicant fails any element of the tests three times, they will not be allowed to be given the opportunity to book onto the training programme for a period of twelve months. Each element must be passed and retests will be allowed on specific elements of the training which have been failed following retraining on the element if appropriate. Should applicants fail the English or Numeracy tests then applicants are

recommended to seek and undertake training by an external organisation themselves before resitting the test.

4.5 Previous qualifications.

Candidates who can demonstrate (by producing the original certificate and/or examination transcript) that they have previously passed a relevant English language and or mathematical qualification at a suitable level, which was assessed by a recognised and accredited qualification awarding body, will not be required to take the additional speaking and listening assessment or numeracy tests. It is not possible to provide an exhaustive list of all the qualifications that will be accepted, however, typical examples may include:

- GCSE or GCE O-level (grade C or higher) or Scottish Intermediate 2
- GCE A-level or Scottish Higher
- NVQ, BTEC, City and Guilds or similar vocational qualification (level 2 or higher)
- Higher education award (for example a degree, HND or HNC)
- a TOEFL, IELTS or ESOL qualification at CEFR level B2 or higher (or equivalent)

4.6 Technical or IT-related qualifications are unlikely to be acceptable for this purpose. We will be looking for qualifications which include a significant amount of verbal or written content in the English language. In all cases, the Licensing Section's decision as to whether to accept a qualification not listed above will be final. If a candidate does not hold one of these qualifications, or cannot produce acceptable evidence of the qualification, they will be required to undertake the speaking and listening assessment and numeracy test.

4.7 Medical

4.8 The Council requires the physical fitness and eyesight of applicants for a taxi or private hire drivers' licence to be checked both at first application and then as indicated below. Each applicant should meet the Group 2 medical standards that are in force at the time of their medical. These standards are designed for lorry and bus drivers but are suitable for new and existing applicants for Hackney or private hire vehicles.

4.9 Group 2 medical application forms can be obtained from the Council's Licensing Section **ADD LINK TO MEDICAL?**

4.10 Please print off form and return with application

4.11 Driving and Vehicle Licensing Agency information about D4 medical reports can be found below

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818322/inf4d-d4-medical-examination-information-notes.pdf

4.12 The above notes apply to drivers of lorries and buses but because we have

adopted the standard of Group 2 Medicals, they do relate to the medical application on our website. Medical Examination Certificate must be completed and signed by a Medical Practitioner as to the applicant's fitness to be a driver of a vehicle with the initial application and renewal applications.

- 4.13 A new Medical Examination Certificate will be required on renewal of a driver's licence at the age of 45 years, unless they have provided a Medical Examination Certificate in the preceding five years. The frequency of the medical will then be every 5 years until the age of 65 unless the driver is restricted to a shorter period for medical reasons. At the age of 65 Hackney or private hire driver's licences are renewable annually without an upper age limit.
- 4.14 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities.

5.0 Disclosure and Barring Service Checks (DBS)

- 5.1 A Disclosure & Barring Service check is an important safety check on a driver and operator and will be required with all new and renewal applications (drivers only). The Council Will require drivers to take up the DBS update service and maintain that service during the duration of the licence and the local authority will carry out a checks every 6 months. If a licence holder does not maintain their DBS subscription service, the matter will be presented to the next available licensing committee to consider what action should be taken.
- 5.2 Licensed drivers are obliged to notify the licensing authority within three days of an arrest and release, charge or conviction of any driving endorsement or any offence of any kind (to include any sexual offence, any offence involving dishonesty, drugs or violence and any motoring offence).
- 5.3 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as 'spent' and which would not normally necessitate disclosure of that conviction. Licensing authorities can, however, consider any convictions (spent or unspent) that may be relevant to work as a licensed driver. Applicants for licences are, therefore, required to disclose all convictions.
- 5.4 Where an applicant is unable to provide the required five-year address history in the UK for the purpose of the DBS check, a certificate of good conduct from the relevant embassy or a statutory declaration of good character must be provided. Guidance on these certificates can be obtained from the Home Office
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants/guidance-on-the-application-process-for-criminal-records-checks-overseas>
- 5.5 The Council requires all driver licence holders to have an DBS check at a minimum of a 6 month period and this will be carried out by the local authority via the online subscription service.

- 5.6 The Council requires all Operators or vehicle proprietors to undertake a basic DBS annually unless they undertake a DBS in another area of licensing within NBBC i.e. NBBC drivers licence.
- 5.7 The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties except as required to do so by law. Information arising from disclosures will be kept only for as long as is necessary and then destroyed.
- 5.8 A DBS disclosure certificate should be presented to the licensing authority within 4 weeks of issue. If the certificate is presented to the licensing authority at a date that is longer than 4 weeks since its issue, the applicant will be required to apply for a new certificate.

5.9 Disclosure and Barring Service Update Service

- 5.10 Because of delays in DBS applications and the need to maintain information as to new prosecutions, the local authority will require all new and renewing applicants to apply and maintain for the period of the licence a live DBS through the DBS Update-Service. Applicants will need to apply to the Update service and for a small annual subscription (payable to the DBS), have their DBS Certificate kept up to date, which will eliminate the need to complete a new DBS every 3 years on renewal of the drivers licence. Applicants can access the update service online at www.gov.uk/dbs-update-service
This also includes guidance on how to apply.

5.11 Proprietors of Vehicles

- 5.12 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.
- 5.13 The Guidance issued by the Department of Transport Statutory Taxi & Private Hire Vehicle Standards requires that all vehicle proprietors of Taxi or Private Hire Vehicles should provide a basic disclosure from the DBS and that a check is undertaken annually. This is not required if a DBS is supplied to NBBC licensing team for another reason.

5.14 National Anti-Fraud Network

- 5.15 The Statutory Taxi and Private Hire Vehicle Standards guidance requires All Local Authorities to consider and join the National Anti-Fraud Network to provide and receive information to the national register of taxi and private hire vehicle driver licence refusal and revocations (the register is known as the 'NR3'. NBBC has joined this register.

6.0 Relevance of Convictions and Cautions

- 6.1 In relation to previous convictions, the Council will have regard to the

following:

- Whether the convictions are spent or unspent.
- The number of convictions and offences.
- The class of the offences.
- The age of the offences.
- The circumstances.
- The apparent seriousness, as gauged by the penalty.
- Whether the type of offence is relevant to the type of application.

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 Committee/panel (or other relevant decision-making body). Whilst officers and the Committee/panel 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.

- 6.2 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. Each case will be dealt with on its merits.

- 6.3 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- (a) Remain free of conviction for an appropriate period; and
 - (b) Show adequate evidence that he/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.

Equally, a number of convictions for relatively minor offences may lead to the conclusion that the applicant is not a fit and proper person to hold a licence. Each case will be dealt with on its merits.

- 6.4 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)].
- 6.5 Any applicant refused a driver's licence on the grounds that the Licensing Authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s 77 (1)].
- 6.6 Powers 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.

- 6.7 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.
- 6.8 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.
- 6.9 Consideration of disclosed criminal history. Under the provisions of Sections 51, 55, and 59 of the 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
- 6.10 Existing holders of drivers' 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). Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Licensing Section in confidence for advice.
- 6.11 The Licensing Authority requires Disclosure & Barring Service (DBS) checks in respect of all applicants for driver licences. The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information.
- 6.12 Applicants applying for the grant or a renewal of a driver licence will be required to obtain the required disclosure at their own expense and the DBS application form must be submitted with the driver licence application form. The Licensing Authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

- 6.13 More information about the DBS can be found on their website at www.homeoffice.gov.uk/dbs
- 6.14 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 under the Home Office scheme for reporting offences committed by notifiable occupations.
- 6.15 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.

6.16 Serious offences involving violence

- 6.17 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.
- 6.18 Anyone with a record/history of violence will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 6.19 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) which replace the above
- 6.20 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:
- Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Actual bodily harm which is racially aggravated
 - Grievous bodily harm with intent
 - Robbery
 - Possession of firearm
 - Riot
 - Assault Police
 - Common assault with racially aggravated
 - Violent disorder
 - Resisting arrest
 - Any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 6.21 A licence will not normally be granted where the applicant has a

conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.22 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.23 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

6.24 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

6.25 Possession of a weapon

6.26 If an applicant has been convicted of possession of a weapon or any other weapon-related offence, this will give serious concern as to whether the person is a fit and proper person to hold a license.

6.27 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.

6.28 Sex and indecency offences

6.29 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 generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.

6.30 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 including child sexual exploitation or vulnerable adults
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.31 Before an application is allowed, an applicant should be free of conviction for

at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.32 Before a licence is granted, an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.33 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.

6.34 A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

6.35 Dishonesty

6.36 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.

6.37 In general, a minimum period of 3 years free of conviction or at least 3 years

from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary

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

6.38 Drugs

- 6.39 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.
- 6.40 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.
- 6.41 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
- 6.42 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.

6.43 Driving offences involving the loss of life

- 6.44 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.
- 6.45 A licence will not normally be granted unless the applicant is free of conviction for 7 years or (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for:
- Causing death by dangerous driving
 - Causing death by careless driving whilst under the influence of drink or drugs
 - Any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.46 Before a licence is granted, 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), if he has a conviction for:
- Causing death by careless driving

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

6.47 Drink driving/driving under the influence of drugs

- 6.48 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 or offences of failing to provide a specimen.
- 6.49 An isolated incident would not necessarily debar an applicant from proceeding with an application 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.
- 6.50 More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.
- 6.51 At least 3 years after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered.
- 6.52 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.

6.53 Outstanding charges or summonses

- 6.54 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made at Licensing Committee.
- 6.55 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.
- 6.56 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.

6.57 Non-conviction information

- 6.58 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the

application. Such offences would include serious violent offences and serious sex offences.

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

6.60 Cautions

- 6.61 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.

6.62 Licensing offences

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

6.64 Insurance offences

- 6.65 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 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.
- 6.66 At least three years should elapse (after the restoration of the DVLA driving licence) before a licence would normally be granted for a hackney carriage or private hire driver's licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operator's licence revoked immediately and prevented from holding a licence for three years.

6.67 Driving endorsements including disqualifications

- 6.68 Driving endorsements, penalty points and periods of disqualification will be considered when assessing whether an applicant or licensed driver is fit and proper. Particular regard will be given to the nature, seriousness, frequency and age of the offences, any pattern of offending, the length and reason for any disqualification, and the period of safe driving since the licence was restored. An applicant who has been disqualified from driving for matters such as totting up will not normally be granted a licence until the disqualification has ended, and the DVLA driving licence has been restored for a period of one year. Restoration of the driving licence does not create an automatic entitlement to a hackney carriage or private hire driver licence. Any current licence holder who is disqualified from driving must notify the Council immediately and must not undertake licensed driving.

6.69 Overseas residents

- 6.70 If a private hire operator applicant has spent six continuous months or more overseas the Licensing Authority will expect to see evidence of a criminal record check from the country/countries covering the period.

6.71 Licences issued by other Licensing Authorities

- 6.72 Applicants who hold a licence with another licensing authority should disclose this when applying and not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

6.73 Summary

- 6.74 A criminal history in itself may not automatically result in refusal of an application 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 10 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.
- 6.75 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.

7.0 Leave to Stay and Work in the UK

- 7.1 An increasing number of applicants have only a limited leave to stay and work in the UK. In such cases a licence will not be issued to expire beyond the end of the period during which the applicant has entitlement to work in the UK. In some cases, the Council may need to make separate enquiries of the UK Border Agency.

8.0 Renewal of Licences

- 8.1 It is the responsibility of the licence holder to ensure that any renewal application and all required paperwork are submitted sufficiently in advance of the expiry of the current licence to enable it to be processed and for medical and criminal record checks to be carried out.

- 8.2 When renewals are undertaken if the applicant has not maintained their DBS update service, then the application will be rejected, until a new DBS is completed.
- 8.3 A late application for the renewal of a licence will only be considered with exceptional circumstances and no later than 4 weeks after the date of expiry.

9.0 Conditions of Licence

- 9.1 The conditions attached at Appendix A will be attached to all dual hackney carriage and private hire driver licences.

10.0 Private Hire Operators

10.1 Requirements and Obligations

- 10.2 Private hire vehicles and driver must be pre-booked, and a private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence. All three licences must be licenced through Nuneaton and Bedworth Borough Council.
- 10.3 The applicant for operators' licences must be a 'fit and proper' person. To be considered as such, applicants will be expected to demonstrate that they have complied with other legal requirements connected with running a business. Failure to do so could result in the refusal of an application. Where licences have been issued and breaches of such requirements are found, so that the licence holder is no longer considered 'fit and proper', the licence could be suspended or revoked.
- Convictions: subject to the Rehabilitation of Offenders Act 1974 applicants must declare any convictions.
 - Bankruptcy: applicants must declare whether they have had a discharge suspended for failing to cooperate with the Official Receiver.
 - Company directorship: applicants must declare whether they have ever had a disqualification order under the Company Directors Disqualification Act 1986 made against them, thereby disqualifying them from being a director, or taking part in the management, of a limited company.
 - All new or existing operators will be required to submit a basic DBS on a yearly basis. This is not required if a suitable DBS is supplied to NBBC licensing team for another reason. It is important to note that the fit and proper test is also extended to any directors or partners in any company or partnership and would require a basic DBS for those persons yearly or if a new partner or director is appointed to the company.
- 10.4 Checks will be made with the Planning section of the Council as

to whether planning permission exists or is needed for the use of the premises where the facilities for booking are made available. It remains the operator's sole responsibility to ensure that any necessary planning consent exists for the operational address. The grant of a private hire operator's licence does not imply that planning consent is unnecessary or likely to be granted.

- 10.5 If an applicant holds an operator licence with any other authority then this should be disclosed on application for a licence with NBBC.

11.0 Conditions

- 11.1 The Council has power to impose such conditions on an operator's licence as it considers reasonably necessary. The standard conditions set out in Appendix B are those approved by the Council as being reasonably necessary and will be attached to all operator licences. Additional conditions may be applied to individual licences if considered necessary.

11.2 Record Keeping including Booking and Dispatch Staff

- 11.3 Operators are required to keep records of each booking, including the name of the passenger, the destination, the name of the driver and the number of the vehicle is accepted as good practice. This would, for example, enable police checks to be made if any mishap should befall a passenger and assist with the recovery of lost property to the rightful owner.
- 11.4 Operators must keep records in respect of all bookings, vehicles or drivers, in accordance with the conditions of licence referred to above.
- 11.5 As a condition of licence, the operator will be required to keep a register of all staff that will take bookings or dispatch vehicles. In addition, all booking or dispatch staff should provide to the operator a recent basic DBS certificate which should be recorded in the register. This can be undertaken by the operator or via a responsible organisation to request this check on their behalf. The register should be available for inspection by a duly authorised officer of the council or Police Officer.
- 11.6 Operators may wish as part of the booking and dispatch staff contract of Employment to require the employee to advise the operator of any convictions while they are employed in this role.
- 11.7 Operators may outsource booking and dispatch functions but the obligation to protect children and vulnerable adults remains. Operators are required to evidence those comparable protections are applied by the company to which they outsource these functions and maintain that evidence for inspection by an authorised officer.

12.0 Licence Duration

- 12.1 The Council will issue a one, three or five year Operator's licence as requested by the applicant. However, the authority may issue a one-year

licence on first application if any specific reasons are appropriate.

12.2 Address from Which an Operator May Operate

Upon grant of an operator's licence, the Council will specify the address from which the operator may operate (i.e., where provision is made for the invitation and acceptance of bookings for a private hire vehicle). This will be the premises where the records referred to above are kept and at which they may be inspected by Council officers.

- 12.3 The Council will not grant an operator's licence for an operator with an operating base that is outside the Council's area. This is to ensure that proper regulation, inspection and enforcement measures may be undertaken by the Council.

13.0 Disciplinary and Enforcement Matters

13.1 Enforcement

- 13.2 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire trades.
- 13.3 Enforcement will be carried out in accordance with any corporate or departmental policies in force at the time, together with the Penalty Points Scheme referred to below. The overriding principle is that any action taken will be reasonable and proportionate.
- 13.4 Matters of a serious nature where formal action may be taken on a licence will generally be referred to the Licensing Committee for consideration. Only where there is evidence of an immediate risk to the public will Officers immediately suspend or revoke a licence.

13.5 Disciplinary Hearings

- 13.6 Disciplinary matters, except in the case of breaches of vehicle requirements, will normally be referred to the Licensing Committee / Sub-Committee or dealt with by officers via the Magistrates' Court or Penalty Points Scheme. One of the functions of the Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence and to take the action appropriate to the circumstances. This could ultimately result in suspension or revocation of a licence.
- 13.7 Where a licence holder or applicant is invited to Committee, they will be entitled to bring with them a representative, either for legal advice or support.

13.8 Drivers

13.9 Refusal / Revocation / Suspension of Licence

- 13.10 The decision to refuse / suspend / revoke a driver's licence may be taken by the Licensing Committee or an authorised officer of the Council. In certain circumstances involving public safety it may be appropriate to revoke a licence with immediate effect. This decision can be taken by Officers but will require liaison with the Chair of Licensing Committee. Where such action is taken, basic information will be posted on the National Anti-Fraud Network (NR3 Register), and detailed information will only be released if another local authority contacts Nuneaton and Bedworth Borough Council where the person in question is applying for a licence in that area or is already a licensed driver in that local authority area.

13.11 Penalty Points Scheme

- 13.12 In order to assist with enforcement, and as a method of dealing with less serious matters, the Council is proposing to adopt a penalty points scheme relating to driver, vehicle proprietor and private hire operator offences and conduct, and this is attached as Appendix C to this policy. It is envisaged that penalty points, if awarded following investigation, will be attached to the appropriate licence or, in certain circumstances, e.g. a proprietor's licence and driver's licence.

13.13 Fees

- 13.14 Fees for private hire and hackney carriage licensing are levied on a cost-recovery basis. These fees are reviewed yearly and operate on a three-year rolling basis to ensure that the service is cost neutral.

14.0 Vehicle Licensing

- 14.1 Nuneaton and Bedworth Borough Council ('the Council') is the licensing authority for hackney carriages and private hire vehicles for the Borough of Nuneaton and Bedworth.
- 14.2 The principal legislation governing the licensing of taxis and private hire is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. The Department has produced Best Practice Guidance for licensing authorities which sets out standards which can be considered good practice in this area of licensing, although it also recognises that individual licensing authorities should produce their own policies in relation to specific licensing matters. This Guidance has been taken into consideration in preparing this policy.
- 14.3 In developing this policy document the Council has set out to achieve the following objectives:
- That all licensed vehicles are roadworthy and fit for the carriage of fare-paying passengers.
 - To make available a range of vehicles to allow persons with disabilities to choose a vehicle that meets their particular needs.
- 14.4 In order to meet these objectives, the Council has set minimum requirements for the licensing of vehicles. These requirements include the inspection of vehicles for mechanical safety and comfort, together with checks of vehicle documentation and insurance.
- 14.5 Furthermore, the Council undertakes to uphold its commitment to the objectives by:
- Carrying out a programme of planned inspections and checks and the investigation of complaints in order to monitor compliance with legislation and licence conditions, with appropriate action taken in accordance with the Council's enforcement policy
 - Ongoing training and development of Officers and members of the Licensing Committee.
 - Providing information to the private hire and hackney carriage trades and members of the public through press releases and publications, the Council's website and attendance at any relevant forums.
- 14.6 The Council has had regard to the best practise guidance issued by The Department for Transport (DfT) when writing this policy. The DfT has issued guidance on taxi and private hire vehicle licensing since 2006 to assist local authorities that have responsibility for the regulation of the taxi and private hire vehicle trades. This is updated periodically, considering stakeholder views and changes in the way the sector operates. This best

practice guidance is one of a number of documents intended to assist the operation and regulation of the sector. The objective of the government is to work with licensing authorities to promote the regulation of the sector in a way that enables the provision of safe, accessible, available, and affordable services that meet the wide range of passenger needs by a thriving trade.

14.7 Applications for Hackney Carriages and Private Hire Vehicles

14.8 Legislation Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976 The above legislation is used to regulate Hackney Carriages and Private Hire vehicles.

14.9 All applications will be required to be submitted with a completed application form, a full V5, a valid insurance certificate for use of either public hire (hackney carriage) or private hire and the relevant fee.

14.10 Maximum Age of Vehicles

14.10.1 The DfT Guidance accepts that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles could be arbitrary and disproportionate. It is, however, accepted that a greater frequency of testing is appropriate for older vehicles.

14.10.2 Any new Private Hire vehicle licence must meet the criteria set about below in regard to standards and emission standard Euro 6, 7 or ULEV.

14.10.3 Vehicle licence applications will be accepted for new Hackney Carriages That are wheelchair accessible and no less than 5 years old from first date of registration.

14.10.4 New Hackney Carriage vehicle licence applications will be accepted from Non wheelchair accessible vehicles but these must be less than 18 months old from date of first registration.

14.10.5 All replacement vehicles should be newer than the vehicle it is replacing (or within 6 months at a minimum) or the application will not be accepted.

14.10.6 There is an appeals process should the applicant not be satisfied with the Council's decision.

14.11 New/Replacement Licensed Vehicle

14.11.1 Nuneaton and Bedworth Borough Council will permit the licensing of a vehicle if it can be shown that the vehicle meets the standards set out in this policy.

- 14.11.2 In regard to new or replacement vehicles, it is the applicant's responsibility to ensure that the vehicle will comply with the Council's policy. If there is any doubt, the applicant should contact the Licensing Section before purchase.

Vehicles are required to be emission standard Euro 6 or 7 or ULEV. ULEV is defined as having a pure electric engine, a plug-in hybrid engine, or a vehicle with CO2 emissions below 75 g/km.

It will be the applicant's responsibility to verify that the vehicle being licensed is a Euro 6, Euro 7, ULEV or an appropriately converted vehicle prior to purchase and provide that information for licensing purposes.

Older Vehicles

New and replacement vehicles which are Euro 5 will not normally be licensed.

Existing Euro 5 vehicles presently licenced with the Authority will continue to be licenced but must be replaced within a year of the date of the next expiry.

- 14.11.3 Successful applications for the grant of a licence should ensure:

- Must meet the requirement of the current edition of the Hackney Carriage and Private Hire Vehicles – National Inspection Standards – the best practice guide.
- The bodywork should be in near-perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
- The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
- The interior trim, panels, seating, carpets and upholstery should be in excellent condition, clean and free from damage and discolouration.
- The boot or luggage compartment must be in good condition, clean and undamaged.
- Passenger areas should be free from damp or any odours that may cause passenger discomfort.
- The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
- The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification and proof of mileage will be required.

- 14.11.4 If a vehicle cannot meet all the conditions listed above, then it will not be considered to be licensed.

- 14.11.5 The age of the vehicle will be determined by either the date of first registration as shown on the registration document or, in the case of a vehicle first used outside of the UK, when first used on a road of any description.
- 14.11.6 DfT Guidance also advises licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental initiatives, for example, by setting vehicle emissions standards or promoting cleaner fuels. The Council will consider all applications for vehicles using alternative fuels on their individual merits and has indicated in its Air Quality Action Plan that it wishes to work towards the introduction of an emissions policy for taxis and private hire vehicles to assist with the reduction of NOx and other pollutants in the Borough.
- 14.11.7 Work relating to potential further changes in emissions standards for licensed vehicles is on-going and any future proposed revision to the Council's policy will be subject to public consultation at the appropriate time.
- 14.11.8 If a vehicle is less 5 years old from the first date of registration then one test will be required before licensing the vehicle. If the vehicle is between 5 and 10 years old then an additional test will be required 6 months after licensing it. If a vehicle is over 10 years old, and is still suitable for licensing, test will be required at 4 and 8 months as well as the pre licensing test check.

14.12 Renewal of Licences

- 14.12.1 It is the responsibility of the vehicle licence holder to ensure that any renewal application is submitted in advance (a minimum of 5 working days) of the expiry of the current licence. This applies even where the vehicle may not be ready for testing and will ensure that the plate can be retained. Failure to submit the renewal application in time will result in the licence being considered expired unless the applicant satisfies the Council that there are exceptional circumstances that justify the renewal of the said licence. No applications will be considered after 4 weeks of expiry of the licence.

14.13 Vehicle Inspections

- 14.13.1 Vehicle inspections will be carried out by a nominated garage specified by the Council, accredited and recognised by the Driver and Vehicle Standards Agency. The MOT and compliance test will be carried out in accordance with Department for Transport best practice guidance.

14.14 Vehicle Requirements and Standards

- 14.14.1 The Council's requirements for insurance write-off vehicles, damaged vehicles, stretch limousines and novelty vehicles are set out at the relevant paragraphs in this section.
- 14.14.2 Category S or Category N vehicles will not normally be considered for hackney carriage or private hire work unless they have been inspected by an appropriately qualified automotive engineer and the report confirms that repairs have been undertaken satisfactorily and the vehicle is safe.
- 14.14.3 The Council will licence stretch limousines for private hire work provided they meet the Council's licensing requirements. Drivers and operators of any such vehicles must also be licensed by the Council.
- 14.14.4 The Council does not consider novelty vehicles, including decommissioned military or emergency vehicles, to be suitable for use as private hire vehicles and will not normally consider them for licensing.
- 14.14.5 The Council does not allow for a vehicle to be licensed that is already licensed with another authority.

14.15 Taxi Ranks and Area of Use

- 14.15.1 The Council's policy on taxi ranks and the use of hackney carriages within the Borough is set out in section 14.15.
- 14.15.2 The Council will not licence a vehicle as a hackney carriage if it is intended to be used primarily outside the Borough. This ensures vehicles are available for hire for residents of the Borough and allows enforcement checks and inspections to be undertaken effectively.

14.16 Vehicle Age, Renewal and Testing

- 14.16.1 The Council's vehicle-age, emissions, renewal and inspection requirements are set out in section 14.16.
- 14.16.2 Vehicles are required to meet Euro 6 or 7 emissions standards or qualify as ultra-low emission vehicles. It is the applicant's responsibility to verify that the vehicle being licensed meets the required standard before purchase and to provide that information for licensing purposes.
- 14.16.3 Renewal applications must be submitted sufficiently in advance of the expiry of the current licence. Late applications will only be considered

where exceptional circumstances apply and within the time period specified by the Council.

- 14.16.4 Vehicle licence holders will be required to have their licensed private hire or hackney carriage vehicle inspected at least once per year for an MOT inspection and compliance check at a designated garage appointed by the Council.

14.17 Advertising, Signs and Fares

- 14.17.1 The Council's requirements for vehicle advertising, roof signs and fares are set out in section 14.17.4

- 14.17.2 Hackney carriage vehicles should carry an illuminated roof sign to ensure that they are identified to the public as vehicles plying for hire. Private hire vehicles must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.

- 14.17.3 The Council sets the maximum fares for journeys in hackney carriages. The majority of private hire proprietors also adopt this tariff.

14.17.4 GUIDELINES RELATING TO ADVERTISING IN OR ON HACKNEY CARRIAGES

1. GENERAL

These guidelines relate specifically to the advertising of products/ services and do not relate to the livery of the company for which the vehicle is working.

- a) Suitable advertisements may be displayed on or in hackney carriages subject to written approval from the Council being obtained before advertisements are applied to the vehicle.
- b) Advertisements must be of a form and quality that cannot become easily dissolved, defaced or detached.
- c) Advertisements must be affixed directly onto the body of the hackney carriage or initially attached to an approved magnetic panel which is then attached to the vehicle.
- d) Only one product/service may be advertised at any one time, in addition to any livery advertising the name and telephone number of the company for which the hackney carriage is working.

2. EXTERIOR ADVERTISING

- a) Exterior advertising may be displayed on:
 - i) the whole vehicle (full livery);
 - ii) externally on side door panels (single or double);
 - iii) externally on the edge of the roof/top of the doors to the vehicle.

b) Where full livery advertising is proposed, provision must be made for the immediate replacement of any damaged panels. Hackney carriages will not be permitted to work with damaged or unmatched panels, nor will they be accepted for re-licensing in this condition.

c) Where door advertising is proposed, the advertisement should cover the lower part of the door panel(s) and not overlap the curve above the lower panel(s).

d) Advertising involving the fixing of a structure, board, roof or other type of fixture which significantly alters the original shape of the vehicle shall not be allowed.

e) Advertising on the boot lid which in any way obscures the hackney carriage licence plate shall not be allowed.

3. INTERIOR ADVERTISING

a) Advertisements may only be displayed within the passenger compartment on the base of the occasional (flip up) seats and along the bulkhead above the passenger/driver partition.

b) Occasional seat advertisements must be encapsulated in clear, non-flammable plastic.

c) No material should be placed on the driver/passenger partition other than notices approved by the Council.

4. WINDOW ADVERTISING

a) No advertisement which obscures vision will be permitted.

b) Advertising material must be maintained in a good condition at all times. Advertisements should be correctly fitted and sealed to prevent the egress of water on to the advertising materials. Any advertisement that retains water or obscures rear vision should be removed from the vehicle.

5. ADVERTISEMENT CONTENT

a) All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the proprietor to ensure that they do so.

b) Each proposal shall be considered upon its own merits but any advertisements which are likely to cause offence to the public are unlikely to receive approval.

14.17.5 Private Hire Vehicle - Signs

S.48(1)(a)(ii) of the 1976 Act provides that PHV's should not be of such design/ appearance as to lead any person to believe that the vehicle is a hackney carriage.

The word TAXI means a vehicle plying for hire so is interchangeable with HACKNEY CARRIAGE.

The word TAXI is specifically prohibited from roof signs on vehicle other than hackney carriages by virtue of s.64 of the Transport Act 1980 because it would lead people to believe that the vehicle was a taxi.

14.18 Vehicle Repair and Maintenance

14.18.1 The Council's requirements for vehicle repair, maintenance, defect notices and enforcement are set out in section 14.18.

14.18.2 Where it is found that any vehicle is not being properly maintained, a defect notice may be served on the proprietor setting out the defects and, where public safety is likely to be imperilled, suspending the further use of the vehicle until the defects have been remedied.

15. Equality, accessibility and disabled passengers

- 15.1 Legal framework. The Council will have regard to the Equality Act 2010, including sections 165–167 as amended by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, and relevant Department for Transport guidance. Licence holders must comply with all applicable statutory duties and licence conditions.
- 15.2 No discrimination or additional charge. A driver or operator must not refuse a passenger, provide a lower standard of service, or impose an additional charge because of disability or because the passenger uses a wheelchair, mobility aid or assistance dog, except where a lawful exemption applies. Any exemption must be valid, current, produced when required and displayed as prescribed.
- 15.3 Assistance and reasonable adjustments. Drivers must provide the assistance required by law and reasonably requested by the passenger, including assistance to board and alight, secure mobility aids and luggage, and communicate respectfully. Drivers must not assume that a person with a non-visible disability does not need assistance. Passengers should be asked what assistance they prefer rather than touched or assisted without consent, except where immediate safety requires action.
- 15.4 Wheelchair and assistance-dog duties. Drivers of designated vehicles must comply with the statutory duties applying to wheelchair users, including safe carriage and reasonable mobility assistance, and must carry assistance dogs unless a lawful exemption applies. No extra charge may be made for complying with these duties.
- 15.5 Operator arrangements. Operators must record accessibility requirements communicated at booking, pass them accurately to the allocated driver, and take reasonable steps to provide a suitable vehicle. A booking must not be rejected solely because a passenger is disabled. If the requested vehicle or assistance cannot be provided, the operator must explain this promptly and take reasonable steps to arrange a suitable alternative.
- 15.6 Training and complaints. Drivers must complete the Council's required equality, disability and safeguarding training and keep their knowledge current. Operators must have a procedure for recording and investigating accessibility complaints and must provide records to an authorised officer when lawfully requested.

16. Data protection, privacy and ICO compliance

- 16.1 Compliance. Drivers, vehicle proprietors and operators must comply with applicable data protection law, including the UK GDPR and Data Protection Act 2018, when processing personal data in connection with licensed work. They must follow relevant Information Commissioner's Office (ICO) guidance.

- 16.2 Data minimisation and security. Only information necessary for booking, dispatch, safety, legal compliance and complaint handling may be collected. Personal data must be accurate, access-controlled and protected against unauthorised access, loss or disclosure. It must not be shared with friends, other passengers or unauthorised businesses.
- 16.3 Retention and disposal. Operators must maintain a written retention schedule for booking, driver, complaint and incident records, taking account of statutory requirements, licence conditions, limitation periods and legitimate safeguarding needs. Information must be securely deleted or anonymised when no longer required. Records subject to a police request, complaint, claim or investigation must be preserved appropriately.
- 16.4 Transparency and rights. Operators must provide clear privacy information explaining what personal data is collected, why, the lawful basis, who it may be shared with, retention periods and how people may exercise their rights. Where a third-party booking platform or processor is used, appropriate contractual and security arrangements must be in place.
- 16.5 Data breaches. Any suspected loss, unauthorised disclosure or security incident involving passenger or driver data must be acted on immediately, documented and assessed. The relevant controller must notify the ICO and affected individuals where required by law. Licence holders must cooperate with lawful information requests and must not obstruct an investigation.
- 16.6 Council role. This policy does not make the Council the controller of every record held by a licence holder. Controller/processor roles depend on who determines the purposes and means of processing in each arrangement.

17. CCTV, dashcams and audio recording

- 17.1 Permitted use. CCTV or dashcams may be used only for a lawful and proportionate purpose, such as passenger/driver safety, crime prevention, incident evidence or insurance claims. This policy does not itself mandate CCTV in every licensed vehicle. Any future blanket requirement would require a documented evidence base, consultation, privacy impact assessment and review.
- 17.2 Privacy assessment. Before installing or using a system that records identifiable people, the responsible person must assess the lawful basis, necessity and proportionality, complete a data protection impact assessment where required, and provide clear privacy information and signage. Information must also be given through booking channels where practicable.
- 17.3 Audio recording. Audio recording is particularly intrusive and must not operate continuously by default. It may only be activated where there is a specific, lawful and proportionate reason, with clear notice to affected people and controls that minimise capture of private conversations. Covert recording is not permitted for routine licensed work.

- 17.4 Security and access. Recordings must be encrypted or otherwise securely protected, access limited to authorised persons with a legitimate need, and access logged where practicable. Recordings must not be uploaded to social media or used for entertainment, advertising or unrelated purposes.
- 17.5 Retention and disclosure. Recordings must be kept only for a documented, proportionate period and securely erased when no longer needed, unless required for an incident, claim or investigation. Disclosure to police, the Council, insurers or others must be lawful, necessary and documented. Requests from data subjects must be handled under applicable data protection law.
- 17.6 Dashcams. Forward-facing dashcams must be positioned so as not to obstruct the driver's view. Interior-facing cameras must comply with the same privacy, transparency, access and retention safeguards. A driver must not handle or adjust recording equipment while driving.

18. Mobile phones, navigation and booking applications

- 18.1 Driving safely. Drivers must comply with road traffic law on mobile phones and handheld devices. A handheld mobile phone or device must not be used while driving or while stopped in traffic where the law prohibits use. Drivers must not read or type messages, accept bookings, browse apps or interact with a screen while the vehicle is moving.
- 18.2 Navigation and dispatch. Navigation and dispatch devices must be set up before moving, securely mounted where appropriate, and used so that they do not obstruct vision or distract the driver. Any necessary interaction must take place only when safely and lawfully parked.
- 18.3 Booking integrity. Private hire journeys must be accepted and dispatched through a licensed operator and must be pre-booked. Drivers must not accept street hails or represent a private hire vehicle as a hackney carriage. App-based bookings must retain the required booking record and must not bypass operator licensing requirements.
- 18.4 Account security. Drivers and operators must protect account credentials, use only authorised applications and promptly report suspected account compromise, fraudulent bookings or unauthorised access. Drivers must not share accounts or allow an unlicensed person to accept or undertake bookings under their identity.
- 18.5 Passenger information. Passenger names, telephone numbers, live locations and journey details must not be copied, retained or used for personal contact, marketing or any purpose unrelated to the booking, unless there is a lawful basis and appropriate transparency.

19. Enhanced operator safeguarding and booking controls

- 19.1 Safeguarding policy. Every operator must maintain a written safeguarding policy proportionate to the size and nature of the business. It must identify a safeguarding lead, explain how concerns are recognised and reported, include emergency escalation routes, and be reviewed at least annually and after a serious incident.

- 19.2 Booking and dispatch staff register. Operators must maintain an up-to-date register of all staff who take bookings, communicate with passengers or dispatch vehicles. Before such staff begin these duties, the operator must have sight of a recent basic DBS certificate or arrange an appropriate check through a responsible organisation, consistent with current law and DfT standards. The register and evidence must be available for inspection.
- 19.3 Ongoing suitability. Operators must have a written process requiring relevant staff to report new convictions or safeguarding concerns during employment, and must reassess suitability when information arises. Any action must be lawful, proportionate and consistent with employment and data protection law.
- 19.4 Outsourcing. An operator remains responsible for safeguarding arrangements where bookings or dispatch are outsourced. The operator must carry out due diligence, obtain written evidence of equivalent safeguarding and data protection controls, and make that evidence available to the Council on request.
- 19.5 Children and vulnerable passengers. Operators must record and communicate relevant journey instructions, including agreed collection points, authorised adults, accessibility needs and any passenger assistance arrangements. Staff must not promise unaccompanied-child handover arrangements unless the operator has a safe procedure and the booking details support it.
- 19.6 Incident reporting. Operators must promptly report to police or emergency services where appropriate and notify the Council of serious safeguarding incidents involving licensed work. They must preserve relevant booking, dispatch and communication records and cooperate with lawful investigations.
- 19.7 No discriminatory allocation. Operators must allocate drivers and vehicles on a fair and lawful basis and must not facilitate unlawful refusal, exploitation, harassment or discriminatory treatment of passengers.

20. Children, child seats and passenger restraints

- 20.1 Safest practice. The safest option is for a child to travel in a suitable, correctly fitted child restraint appropriate to their height, weight and age. At booking, operators should ask whether a child seat is required and whether the customer will provide one or requires the operator to arrange a suitable seat.
- 20.2 Legal exception for taxis and private hire vehicles. Where the correct child seat is not available, the statutory taxi/minicab exception may apply: a child under three may travel in the rear without a seat belt; a child aged three or over must use an adult seat belt in the rear. This exception must not be presented as the safest option and does not remove the duty to comply with all other passenger safety requirements.
- 20.3 Policy expectation. Where a suitable child seat has been requested or agreed, the operator must not dispatch a vehicle unless a suitable seat is

available or the customer has been clearly informed and agrees to proceed in accordance with the law. Drivers must not carry a child in a manner that breaches legal requirements, exceed the licensed seating capacity or allow a child to travel unrestrained where a restraint is legally required.

- 20.4 Unaccompanied children. A driver must not agree to carry an unaccompanied child contrary to the operator's safeguarding procedure or the booking instructions. Operators must establish clear procedures for school, care and other pre-arranged journeys, including collection and handover, delays, no-shows, emergency contacts and record keeping.
- 20.5 Passenger restraint and conduct. Drivers must ensure passengers are informed of the need to use available seat belts and must not commence or continue a journey where passenger numbers exceed licensed capacity. A child must not be carried on a passenger's lap as a substitute for an appropriate seat or restraint.

21. Driver, vehicle and operator conditions – minimum standards

- 21.1 Driver conduct. A licensed driver must display the required badge, carry and produce licence documentation as required, behave professionally, protect passenger confidentiality, assist passengers appropriately, charge only the lawful/agreed fare, issue receipts where required, and report accidents, complaints, lost property and relevant changes in circumstances in accordance with licence conditions.
- 21.2 Fitness to drive. A driver must not drive when impaired by alcohol, drugs, medication, fatigue, illness or any other condition that may compromise safe driving. The driver must notify the Council promptly of any medical or other change that may affect fitness to drive, and must comply with lawful directions from the Council.
- 21.3 Vehicle condition. A licensed vehicle must be roadworthy, clean, safe, adequately maintained and suitable for the licensed use. The proprietor must maintain valid hire-and-reward insurance, MOT and licence documentation, undertake required inspections, rectify defects promptly and remove the vehicle from service where it may be unsafe.
- 21.4 Vehicle defects and incidents. Drivers must check the vehicle before use and report safety-critical defects to the proprietor/operator immediately. A vehicle with a defect affecting safety, legal compliance or accessibility must not be used until repaired and, where required, re-inspected. Collisions, damage, insurance changes and vehicle substitutions must be reported to the Council within the timescale specified in licence conditions.
- 21.5 Operator controls. An operator must accept and dispatch only lawful pre-bookings, use appropriately licensed drivers and vehicles, keep complete and retrievable booking/dispatch records, maintain a complaints process, communicate driver/vehicle details to passengers, and ensure any change to the licensed operating address or business control is notified as required.

21.6 Records and inspection. Licence holders must keep records required by legislation and licence conditions in a secure, accessible form for the prescribed period and make them available to an authorised officer or police officer where legally required. No clause in this policy authorises access to information beyond statutory powers.

22. Convictions, conduct and the fit-and-proper-person test

22.1 Individual assessment. The Council will assess whether an applicant or licence holder is fit and proper to hold the relevant driver, vehicle proprietor or operator licence. The assessment is prospective and focused on public protection. No single checklist or elapsed period automatically determines every case.

22.2 Relevant information. Subject to applicable law and procedural fairness, the Council may consider convictions, cautions, relevant non-conviction information lawfully disclosed, pending proceedings, conduct, licensing history, compliance with licence conditions, safeguarding information, dishonesty, patterns of behaviour and evidence of rehabilitation.

22.3 Risk factors. The Council will consider the nature and seriousness of the conduct, its relevance to licensed work, time elapsed, age and circumstances at the time, frequency and pattern, sentence or outcome, evidence of rehabilitation, mitigation, insight, risk of repetition and the potential consequences for passengers. Repeated lower-level conduct may indicate unfitness when considered cumulatively.

22.4 Different licence roles. The assessment will reflect the responsibilities of the role. Drivers have direct contact with passengers and control a vehicle; operators control booking, dispatch, staff and safeguarding systems; vehicle proprietors are responsible for the suitability and maintenance of vehicles. Relevant directors, partners and persons controlling an operator may also be considered.

22.5 No automatic entitlement. Meeting a suggested period free from conviction does not create an entitlement to a licence. Equally, a conviction does not necessarily result in permanent exclusion in every case. The Council will give reasons for its decision and apply the policy consistently while retaining discretion to consider exceptional circumstances.

22.6 Disclosure and review. Applicants and licence holders must provide information required by law or licence conditions and notify the Council of specified changes, convictions, cautions, charges or safeguarding matters within the applicable timescale. Failure to disclose relevant information or making a false declaration may itself be relevant to fitness.

22.7 Statutory powers and appeals. Any refusal, suspension, revocation or renewal decision must be made under the applicable statutory power, with the correct notice, reasons, effective date and appeal rights. This policy does not override statutory requirements, including any provisions for immediate action in the interests of public safety.

23. Passenger safety, information and expectations

- 23.1 Before travel. Passengers should be able to identify the licensed vehicle and driver and, for private hire journeys, confirm the booking details before entering the vehicle. Operators should provide the vehicle registration, driver identity and an estimated collection time through the booking channel where practicable.
- 23.2 During travel. Drivers must follow road traffic law, drive courteously and safely, use the agreed destination unless the passenger requests a lawful change, and not smoke or vape in the vehicle while undertaking licensed work. Drivers must not harass, intimidate, touch, photograph or contact passengers for personal purposes.
- 23.3 Fares and route. The applicable hackney carriage tariff must be followed. Private hire fares must be communicated or agreed in accordance with the booking arrangements and applicable law. A driver must not demand an unauthorised additional payment, deliberately take an unreasonable route or refuse to explain a fare calculation when reasonably asked.
- 23.4 Complaints and lost property. Operators must publish or provide a clear complaints route and keep a record of complaints, outcomes and action taken. Lost property must be handled securely and returned through an appropriate process without disclosing the owner's personal details unnecessarily.
- 23.5 Emergencies. Where a passenger is in immediate danger or requires urgent medical assistance, the driver must take reasonable steps to protect life and contact emergency services. Serious incidents must be reported to the operator and, where required by law or licence condition, the Council.
- 23.6 Passenger responsibilities. Passengers should use seat belts and child restraints where required, treat drivers respectfully, follow reasonable safety instructions and provide accurate booking information. This does not reduce the licence holder's legal duties or justify discrimination, retaliation or unsafe conduct.

24. Public liability insurance – public-facing operator premises

- 24.1 Scope. An operator who invites or permits members of the public to attend licensed booking premises must maintain public liability insurance appropriate to the premises, the activities undertaken and the risks to visitors, with a minimum indemnity limit specified by the Council in the operator's licence conditions or application guidance.
- 24.2 Evidence. The operator must provide a current certificate or other satisfactory evidence of cover on application, renewal and on request, and must notify the Council promptly if cover is cancelled, lapses or is materially restricted. The operator must not invite members of the public onto the premises while required cover is not in force.
- 24.3 Premises not open to the public. Where bookings are conducted entirely remotely and members of the public are not invited to attend the operating premises, the Council may determine that this specific requirement does not apply. Employers' liability, motor insurance,

occupiers' liability and other insurance obligations remain separate and must be assessed independently.

- 24.4 Policy decision required. The Council should specify the minimum indemnity limit and acceptable evidence following legal, insurance and equality review. The requirement is proposed as a licensing policy/condition, not represented as a universal statutory requirement applying to every private hire operator.

Appendix A – Dual/Private Hire driver licence conditions

NUNEATON AND BEDWORTH BOROUGH COUNCIL

TOWN POLICE CLAUSES ACT 1847

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE DRIVER'S LICENCE

CONDITIONS OF LICENCE

These conditions to be read in conjunction with the appropriate provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

1. **CONDUCT OF DRIVER**

The Driver shall:-

- (a) wear the driver's Badge issued by the Council at all times when acting in accordance with this Licence, such Badge to be worn in a position and manner as to be plainly and distinctly visible;
- (b) afford all reasonable assistance with passengers' luggage;
- (c) at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner;
- (d) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her;
- (e) not without the express consent of the hirer drink or eat in the vehicle;
- (f) 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;
- (g) at no time 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;
- (h) not without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the Hackney Carriage has been hired;
- (i) keep proper records in the form approved by the Council of all journeys undertaken by him/her;
- (j) ensure that any licensed Hackney Carriage to be driven by him/her is in a roadworthy condition, and thoroughly cleaned before the commencement of his/her journey.

2. **PASSENGERS**

- (1) The Driver shall not convey or permit to be conveyed in a Hackney Carriage a greater number of persons than that prescribed in the Licence for the vehicle, provided however that for this purpose when travelling with one or more adults two children between the ages of 3 and 10 years may be counted as one person insofar as the rear seating only is concerned; persons under 3 years are not to be reckoned in assessing the number of passengers.
- (2) The Driver shall not allow there to be conveyed in the front of a Hackney Carriage:-
 - (a) any child below the age of 10 years; or
 - (b) more than one person above that age.
- (3) The Driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

3. **LOST PROPERTY**

- (1) The Driver shall immediately after the termination of any hiring of a Hackney Carriage or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- (2) If any property accidentally left in a Hackney Carriage by any person who may have been conveyed therein is found by or handed to the Driver, he/she shall deliver such property to the Proprietor of the Hackney Carriage as soon as possible.

4. **WRITTEN RECEIPTS**

The Driver shall if requested by the hirer of the Hackney Carriage provide him/her with a written receipt for the fare paid.

5. **ANIMALS**

The Driver shall not convey in a Hackney Carriage when plying for hire or during a hiring any animal belonging to or in the custody of himself/herself or the Proprietor of the vehicle and he/she shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle and that it is suitably contained or restrained so as not to cause a nuisance.

6. **PROMPT ATTENDANCE**

The Driver of a Hackney Carriage shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the Operator or Proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by some sufficient cause.

7. **DEPOSIT OF LICENCE**

If the Driver is permitted or employed to drive a Hackney Carriage of which the Proprietor is someone other than himself/herself, he/she shall before commencing to drive that vehicle deposit his/her Hackney Carriage Driver's Licence with that Proprietor for retention by him/her until such time as the Driver ceases to be permitted or employed to drive the vehicle.

8. **TAXIMETER**

- (1) The Driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
- (2) Every driver of a Hackney Carriage provided with a taximeter shall
 - (a) when standing or plying for hire keep the flag or other device on the taximeter bearing the words "FOR HIRE" locked in the position in which the words are horizontal and legible;
 - (b) 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 flag or other device so that the words are not conveniently legible.
- (3) The driver shall not tamper with any seal on a taximeter without lawful excuse or alter any taximeter with intent to mislead.

9. **FARE TO BE DEMANDED**

- (1) Unless the hirer expresses at the commencement of the hiring his/her desire for the fare to be calculated by time, the fare shall be calculated by distance and in accordance with the table of fares approved by the Nuneaton and Bedworth Borough Council and in force at the time of hiring.
- (2) The Driver shall not demand from any hirer of a Hackney Carriage a fare in excess of any previously agreed for that hiring between the hirer and the Driver or Proprietor or, if there has been no previous agreement as to the fare, the fare shown on the face of the taximeter with which the Hackney Carriage is equipped.
- (3) The Driver of a Hackney Carriage undertaking for any hirer a journey ending outside the Borough of Nuneaton and Bedworth (and in respect of which no fare and no rate of fare was agreed before the hiring was effected) shall not demand for such a journey a fare greater than that indicated on the taximeter with which the Hackney Carriage is equipped.
- (4) Except on occasions when the fare is calculated by time instead of distance at the hirer's request, when the Hackney Carriage is used in the Borough of Nuneaton and Bedworth under a contract or purported contract for Private Hire the Driver shall not charge at a rate of fare greater than that fixed by the table of fares for Hackney Carriages in force at the time and, when the vehicle is so used, the fare shall be calculated from the point in the Borough at which the hirer commences his journey, and the unoccupied running charge in the table of fares may also be charged.

10. **CHANGE OF ADDRESS**

The Driver shall notify the Council in writing of any change of his/her address during the period of the Licence within 7 days of any such change taking place.

11. **CONVICTIONS**

The Driver shall within 7 days disclose to the Council in writing details of **any** conviction imposed on him/her during the period of the Licence.

12. **RETURN OF BADGE**

The Driver upon expiry (without immediate renewal), revocation or suspension of his/her Hackney Carriage Driver's Licence shall forthwith return to the Council the Driver's Badge issued to him/her by the Council when granting this Licence. **This Badge shall remain the property of the Council at all times.**

13. **BENEFIT OF LICENCE**

The Driver shall not assign or in way part with the benefit of this Licence which is personal to the licensee.

14. **ACCIDENTS**

The Driver not being the Proprietor of the Hackney Carriage shall report or cause to be reported to the Proprietor of that vehicle any accident in which the vehicle is involved as soon as is reasonably practicable after the occurrence.

15. **VARIATION OF CONDITIONS**

The Council may vary any or all of the conditions herein contained at any time.

16. **COPY OF CONDITIONS**

The Driver shall at all times when driving a Hackney Carriage carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger if requested to do so.

**PRIVATE HIRE DRIVERS'
LICENCE CONDITIONS**

PRIVATE HIRE DRIVERS' LICENCE

CONDITIONS OF LICENCE

These conditions to be read in conjunction with the appropriate provisions of the Local Government (Miscellaneous Provisions) Act 1976.

1.0 INTRODUCTION

- 1.1 The Private Hire Driver's Licence is granted to you subject to you complying with the relevant Policies and the following conditions of licence. Failure to comply with any of the policies or conditions could lead to a prosecution and/or your licence being suspended, revoked or not renewed by a Licensing Committee or Sub Committee.

1.2 Variation of Licence Conditions

- 1.2.1 The Council may vary any or all of the conditions herein contained at any time, following approval by the Licensing Committee and following a consultation process. The Council may change the wording of any condition with approval of the Director of Democracy, Planning and Public Protection for purely clarification purposes only and a record of this change will be kept on record.

2.0 CONDUCT OF DRIVER

2.1 The Driver shall:-

- (a) Not congregate with more than 2 other private hire drivers/vehicles in residential areas and cause a nuisance by your parking, noise or activities whilst waiting to be allocated a booking.
- (b) You must not park in such a position or location to be in the vicinity of premises such as bars, restaurants, takeaways, public houses, clubs, hotels, casino's, gaming and amusement arcades, which could give the appearance of being available for hire unless you have been allocated a booking by your operator.
- (c) Not park or wait in your vehicle on a Hackney Carriage Stand – "Taxi Rank".
- (d) Ensure that when booked, you are in attendance with the vehicle at the appointed time and place unless delayed or prevented by some sufficient cause.
- (e) Not use the horn to signal the vehicles presence to any passenger(s) awaiting the vehicle.
- (f) Convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in moving luggage to and from the entrance of any premises where you collect or set down your

- passenger(s).
- (g) Have a good standard of personal hygiene, be clean and respectable in your appearance and behave in a civil and orderly manner at all times whilst your vehicle is in use or available for hire.
- (h) Take all reasonable steps to assist with and ensure the safety of your passenger(s) when entering, being conveyed in and alighting from your vehicle.
- (i) Unless otherwise directed by your passenger(s), or for reasonable cause, explained to the passenger prior to proceeding on the journey take any other route to the destination other than the shortest possible route and shall not without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the private hire vehicle has been hired.
- (j) You must not **PLY FOR HIRE** or accept any booking, which is not made via your operator. You must not tout or solicit any person to hire or be carried for hire in any private hire vehicle or cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle
- (k) Not eat or drink in your vehicle whilst carrying a passenger.
- (l) Not without the express consent of your passenger(s) play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle. Not cause or permit the noise emitted by any radio or previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- (m) ensure that any licensed private hire vehicle to be driven by him/her is in a roadworthy condition, and thoroughly cleaned before the commencement of his/her journey;
- (n) not importune any person to hire the private hire vehicle nor make use of any other person for that purpose

2.2 Prompt Attendance

- 2.2.1 The driver of a private hire vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by some sufficient cause.

2.3 Fare to be Demanded

- 2.3.1 Not demand a fare in excess of any previously agreed for that hiring. If no fare has been previously agreed then you must not demand a fare in excess of that prescribed by your operators fare table displayed in the vehicle. If the vehicle is fitted with a meter and no fare has been previously agreed then you must not demand a fare in excess of that shown on the meter.
- 2.3.2 The driver of a private hire vehicle undertaking for any hirer a journey ending outside the Borough of Nuneaton and Bedworth (and in respect of which no fare and no rate of fare was agreed before the hiring was effected) shall not require for such a journey a

fare greater than that indicated on the taximeter with which the private hire vehicle is equipped or, if it is not so equipped with a taximeter, greater than that which, if the table of fares deposited with the Nuneaton and Bedworth Borough Council had been applied for the journey, would have been authorised by the table.

- 2.3.3 If requested to do so by your passenger(s), provide a written receipt for any fare paid, on stationery bearing the name of your operator, which includes your call sign, details of the journey and the fare paid, drivers name and badge number
- 2.3.4 keep proper records in the form approved by the Council of all journeys undertaken by him/her, such records to include the date and time of the journey, pick up and destination points fare charged and number of passengers (records to be retained for a period of 6 months and produced to an authorised officer, Police or Council on request);

2.4 Change of Address

- 2.4.1 The driver shall notify the Council in writing of any change of his / her address during the period of the licence within 7 days of any such change taking place

2.5 Convictions

- 2.5.1 The driver shall, within 7 days, disclose to the Council in writing details of being cautioned or convicted for any offence or you receive an endorsement for a motoring offence, including an endorse able fixed penalty, attend a speed awareness course or similar. In the case of a motoring endorsement you do not need to wait for your licence to be returned from the DVLA. This will include any speed camera penalty point offences for speeding.

2.6 Drivers Badge / Licence

- 2.6.1 The driver shall ensure that the badge is current and worn on his / her clothing in such a position and manner as to be plainly and distinctly visible at all times when discharging his duties as a driver of a vehicle. You must not wilfully obstruct or refuse any person from viewing your private hire badge or taking the number of your badge.
- 2.6.2 The driver shall, upon expiry (without immediate renewal), revocation or suspension of his/her licence, forthwith return to the Council the driver's badge issued to him/her by the Council when granting his/her licence. **This badge shall always remain the property of the Council.**
- 2.6.3 The driver shall report the loss of his licence or badge to the Council in writing as soon as the loss becomes known. A duplicate may be issued upon payment of a fee.

2.7 Working for Other Local Authorities

- 2.7.1 If you apply for or hold any hackney carriage or private hire operator, vehicle or driver licence(s) with any other council you must inform the Licensing Office, in writing and within **7 days** of any application being refused or licence(s) being suspended or revoked and provide the following information:
- The name of the council.
 - The licence number(s) of the licence(s) suspended or revoked.
 - The date of the decision.
 - A copy of the decision notice issued by the other council giving the grounds for the action taken.

2.8 Accidents

- 2.8.1 The driver, not being the Proprietor of the licenced private hire vehicle, shall report or cause to be reported to the Proprietor of that vehicle and the Council any accident in which the vehicle is involved as soon as is reasonably practicable after the occurrence. In relation to the Council this shall be within 7 days.

2.9 Copy of Conditions

- 2.9.1 The driver shall at all times when driving a licenced private hire vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger if requested to do so.

2.10 Smoke Free Legislation

- 2.10.1 Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles. Appropriate 'No Smoking' signage must be displayed in the vehicle. Furthermore, any enclosed premise that is used as a workplace or is used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to www.smokefreengland.co.uk

2.11 Taximeter

- 2.11.1 If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver should not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and paid the fare.

2.12 Driving Licence Verification

- 2.12.1 All new applicants and each applicant on their renewal of their licence will be required to sign an authorisation under data protection law for this Council to verify the particulars that are disclosed on an applicant's driving licence with either the DVLA or other suitable body.

3.0. PASSENGERS

- 3.0.1 The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- 3.0.2 The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

3.1 Children

- 3.1.1 The following is an extract from guidance issued by the Department for Transport regarding Regulations that came into force in September 2006 .
- 3.1.2 It is impracticable to expect the appropriate/correct child seat or booster to be available in a taxi unless parents have brought one with them. Therefore, there is an exception, so that if child seats or boosters are not available in a taxi:
- under 3s must travel unrestrained in the rear only
 - those 3 years and above must use an adult belt in the rear seat only
 - remember that a child up to 135 cm in height travelling in a front seat of any vehicle must use the correct child seat or booster

- 3.1.3 No child should be allowed to travel in any form of pram or buggy unless the pram or buggy is adequately secured by a suitable method.

3.2 Lost Property

- 3.2.1 The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- 3.2.2 If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he/she shall deliver such property to the operator of the private hire vehicle as soon as possible.

3.3 Animals

- 3.3.1 The driver shall not convey in a private hire vehicle, when plying for hire or during a hiring, any animal belonging to or in the custody of himself / herself or the proprietor or operator of the vehicle and he/she shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle and that it is suitably contained or restrained so as not to cause a nuisance or hazardous to the occupants of the vehicle.
- 3.3.2 Notwithstanding (a) above a private hire vehicle must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action. For such exemption an application must be made to NBBC licensing team. Operators have the responsibility to ensure that their drivers / employees are aware of such condition when they are first employed.

4.0 DISCLOSURE OF INFORMATION (TO DETERMINE FIT AND PROPER PERSON)

- 4.0.1 It is a requirement that all new drivers have to submit, via a recognised body, a Disclosure of Information form to the Disclosure and Barring Service (DBS) It should be noted that new drivers will not be issued with a licence until all appropriate documentation is completed and the DBS form is returned to the Council Offices. The time taken for this search to return is not in Council's control. Applicants will have to pay separately for the DBS application and a separate fee will be charged for administration purposes.
- 4.0.2 Applicants will need to apply to the Update service and for a small annual subscription (payable to the DBS), have their DBS Certificate kept up to date, which will eliminate the need to complete a new DBS every 3 years on renewal of the drivers licence.
- 4.0.3 Those drivers that fail to take up DBS Update Service will be required to undertake and to pay for a manual DBS check **every 6 months**, with an associated NBBC administration charge.

5.0 DEPOSIT OF LICENCE AND CHANGE OF OPERATOR

- 5.01 If the driver is permitted or employed to drive a private hire vehicle of which the operator is someone other than himself/herself, he/she shall before commencing to drive that vehicle deposit his/her private hire drivers' licence either originals or copies) with that operator for retention by him/her until such time as the driver ceases to be permitted or employed to drive the vehicle.
- 5.02 If you decide to work for an operator different from that supplied at the time of your licence application, then before commencing work with the new operator, you must

notify the Licensing Office, in writing, with details of your previous operator, new operator, new call sign and start date. The driver must also return his or her drivers' badge and licence for amendment.

6.0 MEDICAL CONDITION

6.1 The driver shall comply with the policy regarding Medical Examination in relation to his fitness to drive and shall:-

- (1) notify the Council in writing of any deterioration of their medical or ophthalmic condition arising during the period of the licence which may affect your ability to drive safely or requires you to notify the DVLA, you must notify the Licensing Office, in writing, within **3 days**
- (2) if required to do so by the Council produce a certificate signed by a Medical Practitioner as to his/her fitness to be a driver of a vehicle
- (3) if they are private hire drivers who also hold a PSV or HGV licence, they may submit a certified copy of their HGV or PSV medical certificate which runs within the same period

Appendix B – Private hire operator licence conditions

PRIVATE HIRE OPERATORS' LICENCE CONDITIONS

Local Government (Miscellaneous Provisions) Act 1976

1.0 INTRODUCTION

1.1 The Private Hire Operators Licence is granted to you subject to you complying with the relevant Policies and the following conditions of licence.

Failure to comply with any of the policies or conditions could lead to a prosecution and/or your licence being suspended, revoked or not renewed by a Licensing Committee or Sub Committee.

1.2 Variation of Licence Conditions

1.2.1 The Council may vary any or all of the conditions herein contained at any time, following approval by the Licensing Committee and following a consultation process. The Council may change the wording of any condition with approval of the Director of Democracy, Planning and Public protection for purely clarification purposes only and a record of this change will be kept on record.

2.0 CONDUCT OF OPERATOR

2.1 The operator Shall

- (1) not transfer this licence to any other person nor does it authorise the licensee to operate from any address other than that specified herein.
- (2) The Operator must notify any change of his/her address to the Council's Licensing Section within 3 days from the time thereof.
- (3) The operator shall ensure that any vehicle operated for hire by him/her in the Borough of Nuneaton and Bedworth and any driver of such vehicle complies with the licensing conditions imposed by the Council.
- (4) This licence must be produced on request to an authorised officer of the Borough Council or Police Officer.
- (5) The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-
 - (a) ensure that when a private hire vehicle has been booked to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by some unforeseeable cause, attend punctually at the appointed time and place;
 - (b) keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (6) The premises from which the licence holder operates his business shall

have planning permission for office or commercial use if appropriate, and the Operator must comply in every respect with the requirements of current Planning Legislation.

- (7) If the driver of a private hire vehicle delivers to the Operator any property accidentally left in the vehicle by a passenger, the Operator shall keep a record of such property (including when it was discovered) and as soon as possible, and in any event within 3 days, return it to the passenger if known or otherwise deliver such property to convenient police station and obtain a receipt for it.
- (8) The Operator shall notify the Council of any discharge of circumstances relating to the business including changes of vehicles and the engaging and discharge of drivers.
- (9) The Operator shall within 3 days disclose to the Council in writing details of any conviction imposed on him/her (or if the Operator is a company or partnership, on any of the directors or partners) during the period of the Licence.
- (10) The Operator shall not accept a booking for, or permit to be conveyed in any vehicle operated by him/her, a greater number of passengers than that specified in the vehicle licence.
- (11) The Council may vary any or all of the conditions herein contained at any time, following approval by the Licensing Committee and following a consultation process. The Council may change the wording of any condition with approval of the Director of Democracy, Planning and Public Protection for purely clarification purposes only and a record of this change will be kept on record.

3.0 KEEPING OF RECORDS

- 3.1 The record required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively and the Operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-

- (a) the time and date of the booking.
- (b) the name and address of the hirer / passenger.
- (c) how the booking was made (i.e. by telephone, personal call, etc.);
- (d) time of the pick-up;
- (e) the point of pick-up;
- (f) the destination;
- (g) the time at which the driver was allocated to the booking;
- (h) the name of the individual who responded to booking request.
- (i) the name of the driver and record of driver number
- (j) the registration number of the vehicle allocated for booking;
- (k) remarks (including details of any sub-contract).
- (l) the name of the individual that dispatched the vehicle

- 3.2 The operator shall also keep a record of any private hire vehicle operated by him showing the following details:-

- (a) make of vehicle;
- (b) model of vehicle;
- (c) manufacturer of the vehicle;

- (d) registration number of the vehicle;
- (e) Proprietor and driver(s) of the vehicle;
- (f) any radio call sign of the vehicle;
- (g) Private hire vehicle licence number;
- (h) the issuing authority of the licence;
- (i) the date of expiry of the private hire vehicle licence.

3.3 All records kept by the Operator shall be produced upon request to any Officer authorised by the Council or to any Police Officer for inspection.

3.4 All records kept by the Operator, including the register for booking and dispatch staff shall be preserved for a period of not less than 6 months following the date of the last entry and kept at the premises where the provision is / was made for the invitation and acceptance of the booking for a private hire vehicle.

N.B. Electronic records may be kept instead of manual records, but they must include all information required by paragraphs (3.1) and (3.2) above. They must also record bookings in the order received and not be capable of allowing records to be inserted out of sequence.

4.0 OPERATORS BASIC DISCLOSURE and BARRING SERVICE

4.1 All new or existing operators will be required to submit a basic DBS on a yearly basis. This is not required if a suitable DBS is supplied to NBBC licensing team for another reason. It is important to note that the fit and proper test is also extended to any directors or partners in any company or partnership and would require a basic **DBS for those persons yearly** or if a new partner or director is appointed to the Company

5.0 BOOKING and DISPATCH STAFF

5.1 The operator will be required to keep a register of all staff that will take bookings or dispatch vehicles. In addition, all booking or dispatch staff should provide to the operator to view only a recent basic DBS certificate which should be recorded in the register. This can be undertaken by the operator or via a responsible organisation to request this check on their behalf. The register should be available for inspection by a duly authorised officer of the council or Police Officer. These records should be retained as per paragraph 3.4

6.0 SAFEGUARDING

6.1 The operator must ensure outsourced booking/dispatch arrangements provide equivalent safeguarding, record keeping and data protection controls. The operator must preserve relevant records following a serious incident and cooperate with lawful requests from police or authorised Council officers. The operator must display or provide the complaints process and ensure complaints and safeguarding concerns are recorded, investigated and acted upon.

Appendix C – Vehicle proprietor conditions

APPENDIX C



Hackney Carriage and Private Hire Licensing

Penalty Points Scheme

Introduction

1. Hackney carriage and private hire operators, drivers and vehicles are primarily governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, and conditions set by the Council.
2. Should operators, drivers or proprietors of vehicles commit an offence or breach conditions of licence, persons involved will be asked to attend a meeting at Council offices for an interview and then once investigations are completed, letters will be sent out detailing the outcome and a permanent record kept on the person's file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Licensing Committee and/or prosecution.
3. The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement approach. The purpose of the scheme is to record misdemeanours and to act as a record of a driver's behaviour and conduct to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
4. The primary objectives of the penalty points scheme are to provide consistency in methods of enforcement and to improve the levels of compliance, so helping improve the standards, safety and protection of the travelling public.
5. Penalty points remain in force for twelve months. The period is on a roll forward basis, to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual. Penalty Points will cease at the end of a licence and not be carried over but may be considered by future committee's if there is a concerning pattern regarding a licence holder.

Issue of Penalty Points

6. Complaints from the public concerning breaches of licence conditions or standards of conduct will be subject to investigation by Officers and may be reported to the Licensing Committee for the issue of discretionary points.
7. Where a licence holder accumulates more than 12 penalty points in any 12 month period, the matter will be referred to the Council's Licensing Committee for a decision on what action (if any) is to be taken. The Licensing Committee may, if appropriate, suspend or revoke a licence, or issue a warning to the licence holder, depending upon the circumstances. Periods of suspension of a licence by the Committee will be dependent on the nature of the breaches of the legislation/ conditions and the compliance history of the individual.

8. Penalty points will remain current for 12 months from the date they were issued. Points issued to either the proprietor of a vehicle or a driver will be confirmed in writing within 10 working days from the discovery of the contravention by the Council.

9. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation.

10. Any disputes regarding the issuing of penalty points will be referred to the Licensing Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld. Drivers must submit appeals against any points issued by Officers to the Licensing Committee within 21 days of notification.

11. If points are issued to a proprietor, driver or operator, or a matter which is also a criminal offence, e.g. bald tyres, no badge, those person(s) will not then be the subject of a prosecution by the Council for breach of licence conditions.

12. Certain infringements may result in drivers, proprietors and operators receiving penalty points – Points may be awarded to one or several persons depending upon the nature of the infringement. However, each case must be determined on its own merit.

PENALTY POINTS SCHEME

Where an Officer believes that an offence / breach of condition is so serious the matter may be referred direct to the Licensing Committee.

X: offence means this is relevant to the licence holder (driver, vehicle proprietor or operator).

	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Proprietor	Operator
1	Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee	6	X	X	x
2	Failure to notify, in writing, the Council of change of address within 3 calendar days.	3	X	X	X
3	Refusal to accept hiring without reasonable cause e.g. drunk or rude customer (may be referred to the Committee)	10	X		
4	Unreasonable prolongation of journey(s) or any misconduct regarding the charging of fares.	6	X		
5	Plying for hire by Private Hire drivers	9	X		
6	Failure to produce relevant documents within timescale when requested by an Authorised Officer	6	X	X	X
7	Unsatisfactory condition of vehicle, interior or exterior- Vehicle and all fittings and equipment not in an efficient, safe or tidy & clean condition (interior & exterior)	4	X	X	X
8	Vehicle being presented for MOT which fails on 3 safety-related items	4		X	X
9	Failure to provide proof of insurance cover when requested	6	X	X	X
10	Failure to produce hackney carriage or private hire vehicle for testing when required	6		X	X

11	Failure to report, in writing and within 3 days , an accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions	4	X	X	X
12	Failure to display external/internal licence plate or signs as required.	4	X		
13	Failure to notify transfer of private hire or hackney carriage vehicle licence outside of specified period.	4		X	X
14	Failure to carry fire extinguisher	4	X	X	X
15	Failure to carry first aid kit	3	X	X	X
16	Displaying unsuitable, inappropriate, or inappropriately sited signs or advertisements in or on the vehicle	3	X	X	X
17	Failure to fix, maintain and use authorised roof light (hackney carriages)	4	X		
18	Failure to produce on request records of driver's work activity	6			X
19	Using a non-approved or non-calibrated taximeter	6		X	X
20	Obstruction of an authorised officer or police officer	6	X	X	X
21	Failure to assist or provide any relevant information concerning any potential offence, breach of licence conditions, and investigation of a complaint.	10	X	x	x
22	Evidence of driver or passenger smoking or vaping in vehicle	3	X		
23	Eating or drinking in vehicle when driving or whilst carrying passenger(s)	3	X		
24	Displaying any feature on private hire vehicle that may suggest that it is a taxi	6	X	X	X
25	Using a vehicle, the appearance of which suggests that it is a taxi.	6	X	X	X
26	Failure to carry an assistance dog without requisite exemption	6	X		
27	Failure to display driver's badge	4	X		

28	Failure to notify, in writing, within 3 days a change in medical circumstances	6	X		
29	Unsatisfactory appearance of driver, which has safety implications i.e. inappropriate footwear.	3	X		
30	Failure to observe rank discipline (hackney carriage)	3	X		
31	Failure to maintain proper records of private hire vehicle	6	X	X	X
32	Failure to keep or produce records of private hire bookings or other documents required to be kept or produced	6		X	X
33	Failure to issue receipt on request (may be referred to the Committee)	6	X		
34	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation, surrender or suspension of such licence	4		X	X
35	Unsatisfactory behaviour or conduct of driver to any officer, police, member of the public or passenger (may be referred to the Committee)	10	X		
36	Failure to notify the Council, in writing or by email, of any motoring or criminal convictions, cautions, arrests, or DVLA licence points endorsements (endorseable fixed penalties within 3 days of receiving, during period of current licence	6	X	X	X
37	Failure to behave in a civil and orderly manner to member of the public, member of staff or other driver	10	X		
38	Failure to give assistance with loading/unloading luggage	10	X		
39	Failure to display fare chart	6	X		
40	Failure to attend punctually at appointed time and place without sufficient cause	4	X		

41	A licensed vehicle with a bald, illegal or damaged tyre	4 per tyre & suspension	X	X	X
42	Failure to submit licence renewal application including documents and attendance at a vehicle inspection	6	X	X	X
43	Failure to comply with any other conditions	3	X	X	X
44	Waiting or stopping on a double yellow area, bus stop, zig zag or private land (without the owner's permission) unless loading or unloading passengers	3	X	X	X
45	On appeal the Committee may add additional points if it considers the appeal to be frivolous or vexatious.	10	X	X	X
46	Failure to maintain active DBS Update service account	4	X		

Sources for legal and policy verification

- Department for Transport – Statutory Taxi and Private Hire Vehicle Standards – <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- Department for Transport – Access to taxis and private hire vehicles for disabled users – <https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users>
- Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 – <https://www.legislation.gov.uk/ukpga/2022/29/contents>
- Equality Act 2010, section 165 – <https://www.legislation.gov.uk/ukpga/2010/15/section/165>
- GOV.UK – Child car seats: the rules – <https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>
- ICO – Video surveillance including CCTV – <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/cctv-and-video-surveillance/>
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 – DfT guidance – <https://www.gov.uk/government/publications/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022>