



TAXI LICENSING POLICY

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Taxi Licensing Policy

1. Introduction

1.1 Hull City Council (hereinafter referred to as the Council) is responsible for the licensing of all Hackney Carriage and Private Hire operators, vehicles and drivers in the City pursuant with powers conferred by the following:

- Town Police Clauses Act 1847
- Public Health Act 1875
- Town Police Clauses Act 1889
- Public Health Act 1925
- Public Health Act 1936
- Local Government Act 1972
- Rehabilitation of Offenders Act 1974
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1980
- Public passenger Vehicle Act 1981
- Transport Act 1981
- Transport Act 1985
- Criminal Justice and Public Order Act 1994
- Transport Act 2000
- Equality Act 2010
- Deregulation Act 2015

1.2 This document sets out the policies and principles that the Council will apply when making decisions on applications for:

- Private Hire Operators Licences
- Private Hire Vehicle Licences
- Hackney Carriage Vehicle Licences
- Private Hire Driver's Licences
- Hackney Carriage Driver's Licences

1.3 In setting out this policy, the Council seeks to promote the following objectives:

- The protection of public safety
- The establishment of a professional and respected Hackney Carriage and Private Hire service
- To ensure the public has access to an efficient and effective transport service

- The protection of the environment
 - The safeguarding and promotion of the welfare of children
- 1.4 The Council will work in partnership with other relevant departments, neighbouring authorities, the police, local businesses and local people towards the promotion of the objectives as outlined.
- 1.5 In preparing this policy statement the Council has consulted with the following: -
- The Hackney Carriage and Private Hire trade within the City
 - Hull City Councillors
 - Humberside Police
 - Hull City Council Highways and Open Space
 - Hull City Council Planning Department
 - Other relevant bodies
- 1.6 Proper weight has been given to the views of all those consulted prior to this policy statement being agreed and taking effect.
- 1.7 Hull City Council is committed to promoting equal opportunities in the provision of all its Hackney Carriage and Private Hire services.

As the body responsible for the licensing of Hackney Carriages and Private Hire Vehicles, their proprietors, operators and drivers, the Council is seeking to ensure that all sections of the community have access to Hackney Carriage and Private Hire services free from discrimination and harassment.

Practices of this kind of discrimination are in many cases not only unlawful but are not in keeping with the continued development of Hull as a city which promotes diversity within its Community.

In enforcing this policy the Council has a range of sanctions available to it, and will rigorously monitor and investigate any complaints of discrimination on the grounds of age, disability, employment status, ethnic or national origins, race or colour, HIV status, marital status, religious or political beliefs, responsibilities for children or dependents, gender, sexuality, trade union activities and unrelated criminal convictions.

- 1.8 The purpose of licensing is to regulate the Hackney Carriage and Private Hire trade within the terms of the appropriate legislation and the objectives set out above.

- 1.9 The Council will discharge its responsibilities identified by Central and Local Government strategies, so far as they impact on the licensing of the Hackney Carriage and Private Hire trade in the City.
- 1.10 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, clear reasons will be given for so doing.

2. Integration of Strategic Objectives and the Avoidance of Duplication

- 2.1.1 The Council's overall vision sets out four themes:
- **Earning** – working to make sure that all local people thrive economically
 - **Learning** – guaranteeing that no local child or young person is left behind in achieving their full potential
 - **Healthy** –enabling everyone to make healthy lifestyle choices
 - **Safe** – helping local people to build strong communities and a City which is a safe place to live

The proper integration of these strategic objectives with the taxi licensing objectives is key to the effective implementation of this policy.

- 2.2 By consulting widely prior to this policy statement being published the Council has endeavoured to secure proper integration with local crime prevention, planning, transport, tourism and strategies.
- 2.3 There are a number of wider issues which may need to be given due consideration by the Council in exercising its licensing function. The Council's Licensing Committee may therefore receive and may act upon reports on -
- The needs of the local tourist economy;
 - The employment situation in the area and the need for new investment and employment where appropriate;
 - The local transport arrangements;
 - Crime and disorder and community safety issues;
 - Any other reports considered appropriate to the licensing function.
- 2.4 The Council recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.
- 2.5 In reaching a decision on whether or not to grant a licence, the Council will take account of any non-compliance with other statutory requirements

brought to its attention, where these undermine the Hackney Carriage and Private Hire licensing objectives. Non-compliance with statutory requirements may be taken to indicate that the applicant is not a 'fit and proper person' to hold a licence issued by the Council

3. The Licensing Process

3.1 The functions of the Council with regard to hackney carriage and private hire licensing may be exercised by the Licensing Committee or Officers acting under delegated authority.

3.2 Each application for licensing will be considered on its own merits. Applicants will be required to submit applications for:

- A Hackney Carriage Driver's licence
- A Private Hire Driver's Licence
- A Hackney Carriage Vehicle Licence
- A Private Hire Vehicle licence
- A Private Hire Operator's licence

3.3 Private Hire Operator's Licence

3.3.1 Any person who operates a private hire service must apply to the Council for a Private Hire Operator's licence. A Private Hire vehicle may only be despatched to a customer by a Licensed Private Hire Operator.

3.3.2 It is the responsibility of the Private Hire Operator to ensure that every Private Hire Vehicle is driven by a person who holds a Private Hire Driver's Licence.

3.3.3 Application for an Operator's Licence must be made on the prescribed form, together with the appropriate fee and all information reasonably required. The Council will then decide whether or not the applicant is a fit and proper person to hold an Operator's Licence.

3.3.4 Where an applicant is not a currently licensed driver, before an application for an Operators licence will be considered, the applicant (or in the case of a limited company the Directors) must undertake a Basic Disclosure and Barring Service (DBS) Check,

3.3.5 The Council has power to impose such conditions on an Operator's Licence as it considers reasonably necessary.

3.3.6 Before an application for a Private Hire Operator's Licence is granted, the operating base will be subject to an inspection by a Licensing Enforcement Officer to ensure it is suitable and complies with the current conditions

relating to Private Hire Operator's premises. The applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

- 3.3.7 A successful applicant will be granted a private Hire Operator's Licence for a period of up to five years. All operator's licences expire on 31 October in the year of expiry
- 3.3.8 Holders will be reminded, within a two month period preceding the expiry that their licence is due to expire. All licences must be renewed by 31 October otherwise they will expire and a full new application will be required.
- 3.3.9 Upon grant of an Operator's Licence the Council will specify the address from which the operator may operate. The operator must notify the Council in writing of any change of address (whether this is the applicant's home address or operating address) and, where necessary, include written confirmation of whether or not planning permission is required. This must be done within 7 days of such a change taking place.
- 3.3.10 Applicants may be required to appear before the Council's Licensing Committee in order to satisfy the Council that they are a fit and proper person to hold an operator's licence.

3.4 Private Hire Vehicle Licence

- 3.4.1 An application for Private Hire Vehicle Licence must be made on the prescribed form, together with the appropriate fee.
- 3.4.2 Where an applicant is not a currently licensed driver before an application for a vehicle licence will be considered, the applicant must undertake a Basic Disclosure and Barring Service (DBS) Check,
- 3.4.3 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Private Hire Vehicle Licence.
- 3.4.4 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications for larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the vehicle age restrictions and specifications applicable to such vehicles. (See Appendix 3)
- 3.4.5 Private Hire Vehicles will be subject to a full compliance test twice a year. The vehicle is therefore exempt under the provisions of Regulation 6 of the

- Motor Vehicles (Tests) Regulations 1981 (as amended) from the requirement for an MOT Certificate, for as long as the vehicle remains subject to a private hire vehicle licence. However, for an additional fee, licence holders can request the issue of an MOT certificate from the test centre following the successful completion of a compliance test. All tests must be carried out at the KWL testing station at Stockholm Road.
- 3.4.6 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time while the licence is in force, without the prior approval of the Council.
 - 3.4.7 An external plate will be issued and this must be fitted in accordance with the approved conditions. The entire plate must be clearly legible at all times.
 - 3.4.8 A pair of self adhesive door signs will also be issued and these must be displayed in accordance with the approved condition so as to be clearly visible to all passengers.
 - 3.4.9 An internal notice must be displayed inside the passenger area of the vehicle, in accordance with the approved condition, informing passengers of how they may complain or record a compliment.
 - 3.4.10 The plates and door signs shall remain the property of the Council and must be returned within 7 days of a vehicle ceasing to be licensed.
 - 3.4.11 Failure to comply with the law relating to road traffic, licensing conditions or the requirements of the Council may lead to suspension and/or revocation of the licence.
 - 3.4.12 Each vehicle must carry a first aid kit and fire extinguisher which must be in working order and detail the vehicle plate number.
 - 3.4.13 Drivers must carry Guide Dogs for the Disabled, Support Dogs, or Canine Partners for Independence in any vehicle licensed by the Council which has been hired by a person using such a dog unless an exemption has been granted to the driver. There shall be no additional charges for carrying these dogs.
 - 3.4.14 A taximeter may be fitted but any such meter will be tested for accuracy at the initial application, and at any time at the discretion of the Council.
 - 3.4.15 There is no set scale of fares.
 - 3.4.16 Limited external commercial advertising may be allowed on Private Hire Vehicles in accordance with the approved condition. All advertising must be approved by the Licensing Authority.

- 3.4.17 An identification sign displaying the name of the private hire company may be displayed on the vehicle in accordance with the approved condition.
- 3.4.18 The words "TAXI", "CAB" or the word "HIRE" in any other context than that above must not be used and no sign or advertisement matter of any description, other than that specified, must be displayed on or in any part of the licensed vehicle at any time.
- 3.4.19 The Council will consider all applications for a Private Hire Vehicle Licence on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.
- 3.4.20 A successful applicant will be granted a Private Hire Vehicle Licence for a period of up to one year. All private hire vehicle licences expire on 31 October of that year.
- 3.4.21 Holders of an existing Private Hire Vehicle Licence will be reminded, within a two month period preceding the expiry, that their licence is due to expire. All licences must be renewed by 31 October otherwise they will expire and a full new application will be required to licence the vehicle.

3.5 Hackney Carriage Vehicle Licence.

- 3.5.1 An application for Hackney Carriage Vehicle Licence must be made on the prescribed form, together with the appropriate fee.
- 3.5.2 Where an applicant is not a currently licensed driver, before an application for a vehicle licence will be considered, the applicant must undertake a Basic Disclosure and Barring Service (DBS) Check,
- 3.5.3 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Hackney Carriage Vehicle Licence.
- 3.5.4 Applications for vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the vehicle age restrictions and specifications applicable to such vehicles.
- 3.5.5 Hackney Carriage Vehicles will be subject to a full compliance test twice a year. The vehicle is therefore exempt under the provisions of Regulation 6 of the Motor Vehicles (Tests) Regulations 1981 (as amended) from the requirement for an MOT Certificate, for as long as the vehicle remains subject to a hackney carriage vehicle licence. However, for an additional fee, licence holders can request the issue of an MOT certificate from the test centre following the successful

completion of a compliance test. All tests must be carried out at the Kingstown Works Limited (KWL) testing station at Stockholm Road, Hull, HU7 0XW.

- 3.5.6 An external plate will be issued and this must be fitted in accordance with the approved conditions. The entire plate must be clearly legible at all times.
- 3.5.7 A pair of self-adhesive door signs will also be issued and these must be displayed in accordance with the approved condition so as to be clearly visible to all passengers.
- 3.5.8 An internal notice must be displayed inside the passenger area of the vehicle, in accordance with the approved condition, informing passengers of how they may complain or record a compliment.
- 3.5.9 A roof sign that conforms to the approved condition is required.
- 3.5.10 The plates and door signs shall remain the property of the Council and must be returned within 7 days of a vehicle ceasing to be licensed.
- 3.5.11 Failure to comply with the law relating to road traffic, licensing conditions or the requirements of the Council may lead to suspension and/or revocation of the licence.
- 3.5.12 Each vehicle must carry a first aid kit and fire extinguisher which must be in working order and detail the vehicle plate number.
- 3.5.13 Drivers must carry Guide Dogs for the Disabled, Support Dogs, or Canine Partners for Independence in any vehicle licensed by the Council which has been hired by a person using such a dog unless an exemption has been granted to the driver. There shall be no additional charges for carrying these dogs.
- 3.5.14 A taximeter must be fitted but any such meter will be tested for accuracy at the initial application, and at any time at the discretion of the Council.
- 3.5.15 A scale of fares is fixed by the Council. A tariff card showing the scale will be supplied and this must be displayed inside the vehicle so that it is visible to all passengers.
- 3.5.16 A copy of the Hull Council's Byelaws relating to the operation of Hackney Carriages will be supplied. This must be carried in the vehicle when it is operation as a Hackney Carriage and be available to the driver and passengers.

3.5.17 Limited external advertising may be allowed on Hackney Carriage Vehicles in accordance with the approved condition. All advertising must be approved to the Licensing Authority.

3.5.18 The Council will consider all applications for a Hackney Carriage Vehicle Licence (including those for electric powered hackney carriage vehicles (excluding hybrid), over and above the current limit of 170 vehicles) on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

3.5.19 A successful applicant will be granted a Hackney Carriage Vehicle Licence for a period of up to one year. All hackney carriage vehicle licences expire on 31 October of that year.

3.5.20 Holders will be reminded, within a two month period preceding the expiry that their licence is due to expire. All licences must be renewed by 31 October otherwise they will expire and a full new application will be required to licence the vehicle.

3.6 Limousines and Specialised Vehicles

- 3.6.1 Stretched Limousines and non-standard vehicles – The Council will consider licensing stretched limousines and other non-standard vehicles for private hire work providing the Council is satisfied that the vehicle is:
- Suitable in size, type and design for use as a private hire vehicle;
 - In a suitable mechanical condition;
 - Safe; and
 - Comfortable.

The vehicle may carry no more than eight passengers and must meet all the requirements of the Local Government (Miscellaneous Provisions) Act 1976.

In accordance with this policy, all applications to licence stretched limousines as private hire vehicles will be considered on their merits.

- 3.6.2 Wedding Vehicle – A vehicle does not need to be licensed while it is being used in connection with a wedding.

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

- 3.6.4 A private hire plate number will be allocated to limousines and specialised vehicles but due to the specialised nature of these vehicles the licence

- holder may apply to the Council for dispensation from the requirement for an external plate and door stickers to be fitted. All applications for dispensation from this requirement will be considered on their merits.
- 3.6.5 However, should this be granted, the plate will be issued and must be carried in the vehicle so that it is available for inspection on request by passengers or authorised officers.
- 3.7 Hackney Carriage/Private Hire Vehicle Driver's Licence
- 3.7.1 An application for Vehicle Driver's Licence must be made in person at the Council Offices on the prescribed form, together with the appropriate fee.
- 3.7.2 A photograph of the applicant is required, which will be taken in digital format at the Council Offices at the time that the application is made.
- 3.7.3 A licence to drive a hackney carriage or private hire vehicle will not be granted to a person who is under 18 years of age. In addition a licence will not be granted to a person over 18 who has not held a full driving licence for more than two years. A Driver and Vehicle Licensing Agency (DVLA) check will be undertaken in respect of every applicant and then annually for all existing holders of a vehicle drivers licence.
- 3.7.4 A medical examination by a medical practitioner, to assess their fitness to drive a licensed vehicle, is required before a licence is granted and every five years following the grant of the licence. The standard of fitness required by the Council is the DVLA Group 2 standard. The applicant will be responsible for paying any fee required for the examination.
- 3.7.5 Existing licence holders over 65 years of age must be examined annually.
- 3.7.6 Holders of current PCV and/or HGV licences, where the holder is able to provide proof of a current Group 2 medical examination, will not be required to undergo a further examination.
- 3.7.7 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities.
- 3.7.8 Where there is any doubt as to the medical fitness of an applicant, the Council may require the applicant to undergo and pay for a further medical examination by a medical practitioner or by a doctor appointed by the council.
- 3.7.9 Where there remains any doubt about the fitness of an applicant, the matter will be determined by the Licensing Committee who will make a final decision in light of the medical evidence available.

- 3.7.10 Before an application for a driver's licence will be considered, the applicant must undertake an Enhanced Disclosure and Barring Service (DBS) Check, and supply a certificate of good conduct from the relevant embassy in the case of an overseas applicant who has lived in the UK for less than 5 years.
- 3.7.11 Licensed drivers' must apply for and retain registration with the Disclosure and Barring Services (DBS) update service at all times that they are licensed to ensure that their criminal record activity can be checked every 6 months and at other times as necessary to promote public safety.
- 3.7.12 Applicants who are foreign nationals will need to provide a current passport and/or any other documentation supporting their right to work in the UK. Checks will be made with the relevant agencies to confirm this.
- 3.7.13 Licensed drivers must notify the council immediately of any arrest or charge and any relevant criminal convictions and cautions in accordance with the approved condition.
- 3.7.14 In relation to the consideration of the relevancy of convictions and cautions recorded against persons, the Council has adopted the policy as set out in Appendix 2.
- 3.3.15 A successful applicant will be granted a vehicle driver licence for a period of up to three years. All vehicle driver licences expire on 31 October in the year of expiry.
- 3.3.16 Holders will be reminded, within a two month period preceding the expiry, that their licence is due to expire. All licences must be renewed by 31 October otherwise they will expire and a full new application will be required.
- 3.3.17 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Private Hire/Hackney Carriage Driver's Licence.
- 3.3.18 Safeguarding Information for Private Hire/Hackney Carriage Drivers
As part of their job, Private Hire and Hackney Carriage Drivers may have to transport children and young people and vulnerable adults, Appendix 4 offers safeguarding advice to help prevent problems from arising and help drivers understand how to deal with them if they do arise.

4. Enforcement

- 4.1 The Council will operate an enforcement regime with a view to balancing the promotion of public safety with the need to allow individuals to carry on

their trade without undue interference. The Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in 1.3 above and Hull City Council's Enforcement Policies.

5. Review

- 5.1 The policy will be subject to continuous review and the Council may make revisions to it at such times, as it considers appropriate.

6 Advice and Guidance

- 6.1 For further advice, information or guidance on the application process please contact Hull City Council's Licensing Team.

APPENDIX I

GLOSSARY OF TERMS

HACKNEY CARRIAGE

A vehicle that can ply for hire, stand on a rank and can be hailed in the street.

HGV

Heavy Goods Vehicle

HIRE DRIVERS LICENCE

A drivers' licence issued by the Council authorising the individual to drive either a Hackney Carriage Vehicle and a Private Hire Vehicle.

PCV

Passenger Carrying Vehicle.

PRIVATE HIRE OPERATOR

A person who runs a private hire service and is authorised to despatch Private Hire Vehicles.

PRIVATE HIRE VEHICLE

A vehicle that can be hired by the public but only if pre-booked and controlled by a Private Hire Operator.

TAXI

A generic term for driver operated vehicles that ply for hire. (Hackney Carriage)

THE COUNCIL

Hull City Council

APPENDIX 2



**GUIDANCE
RELATING TO THE CONSIDERATION
OF
THE GRANT, RENEWAL OR REVIEW
OF
HACKNEY CARRIAGE AND PRIVATE HIRE
DRIVER'S LICENCES.**

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INTRODUCTION

This document provides guidance on the relevance of convictions and cautions in respect of applications for the grant of new hackney carriage and private hire drivers' licences, and the renewal and review of existing drivers' licences.

This guidance is in place to assist the members of the Licensing Authority's Licensing Committee in their decision-making and to maintain consistency of those decisions with each case being considered on its own merits. The guidance also aims to provide clear information to current licence holders and potential applicants regarding the relevance of convictions and cautions. Any necessary hearings will be held in private.

The Licensing Committee may depart from this guidance if the individual circumstances of any case merit such a decision and in such cases the Committee will give full reasons for the departure.

The primary objective of the licensing regime is to ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and trustworthy. It is not the intention of the Licensing Authority to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised. The committee will not consider the effect on the individual of any sanction imposed.

Legislation

The Local Government (Miscellaneous Provisions) Act 1976 Section 51 deals with the grant of a driver's licence with regard to the suitability of the applicant. The Act states that a:

"...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a ***fit and proper person*** to hold a driver's licence."

Therefore the wording of the legislation makes it clear that the Licensing Authority may grant a licence ONLY if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, NOT the Licensing Authority to demonstrate that they are not.

There is no absolute definition as to what constitutes a "fit and proper person". However, considering the range of passengers that a driver may carry, and other tasks that a driver may be required to perform, many of whom will be vulnerable, the Licensing Committee will want to have confidence that such people would be able to rely on the driver.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 deals with currently licensed drivers:

“...the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds.

1. That he has since the grant of the licence -

i) Been convicted of an offence involving dishonesty, indecency or violence. or
ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of Part of this Act.

Or;

2. Any other reasonable cause.”

Some important areas that will be considered by the Committee are:

- Honesty and trustworthiness;
- Courtesy - The Licensing Authority considers that aggressive or abusive conduct on the part of the driver is unacceptable;
- Consistently good and safe driving - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all road traffic legislation and any conditions attached to the licence;
- Good physical and mental health;
- Good knowledge and awareness of any special requirements that disabled passengers may have.

Protecting the Public

The over-riding consideration for the members of the Licensing Committee is to protect the travelling public. Having considered and applied the appropriate guidelines, if the Committee has any reasonable doubts, then an application must be refused, or consideration must be given to revocation or suspension of an existing licence.

In exceptional circumstances, authorised officers will exercise the powers granted under the Road Safety Act 2006 to suspend a licence with immediate effect where there are serious concerns regarding public safety following arrest or information provided by the Chief Officer of Police (or a body responsible for public or child protection). Where relevant, the case will be referred to a Licensing Committee for final determination following the conclusion of any legal proceedings.

Compliance with Conditions and requirements of Licensing Authority

All applicants and currently licensed drivers are strongly advised to carefully read and familiarise themselves with the Hull City Council Hackney Carriage and Private Hire Licensing Conditions and Procedures Handbook.

The Committee may take into account an applicant's relevant history while holding a licence, from this or any other authority in deciding whether a person is a fit and proper person to hold a licence, or whether they can continue to hold a licence. This will include checks made to the National Anti-Fraud database on refusals and revocations of hackney carriage and private hire licences.

Such matters as a licence holder's record of complaints, or positive comments from members of the public, their compliance with licence conditions and their willingness to co-operate with Licensing Officers will all be taken into consideration.

Convictions and/or Cautions

The licence application form requires that the applicant must disclose all convictions and cautions. These include any convictions that are spent under the Rehabilitation of Offenders Act 1974. Except those that are "protected", as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 2002 (SI2002/441). (The amendments to the Exceptions Order 1975 (2013 provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure and cannot be taken into account).

Any applicant who is arrested for, charged with or convicted of any offence, or issued with a formal caution for any offence, whilst their application is being considered by the Licensing Authority shall immediately inform the Licensing Authority in writing of the arrest, charge, conviction or caution.

All private hire drivers currently holding a licence must immediately disclose any conviction or caution imposed on them, for whatever reason, in writing to the Council. The Licensing Committee is required to look at any past indicators (convictions, speeding offences etc.) that may affect a person's suitability to hold, or continue to hold, a licence and consider the possible implications of granting such a licence, or allowing an existing licence to continue.

If a licence is granted to a person on the basis of false or incomplete information supplied by them, the Licensing Committee may revoke the Licence.

The disclosure of any conviction will not necessarily preclude an applicant from being issued a licence. However, all convictions, spent or live, will be assessed, and may be taken into consideration. A series of offences over a period of time is more likely to give cause for concern than an isolated conviction. If a pattern is found for any offences, then serious consideration should be made as to the suitability of that person to hold, or apply for, a licence.

Non- Statutory Rehabilitation Periods

This guidance document has separated the various offences affecting an application into different categories, each detailing the period that normally elapse following conviction for a particular type of offence. If these requirements are not met, the matter will be referred to the Licensing Committee. If, after consideration by the Committee, a person is not considered suitable to hold a licence, then the application should be refused or, in the case of an existing driver, the licence should be revoked or suspended.

The Committee will not look behind the conviction or caution, but the applicant may, however, explain any mitigating factors, which they may consider led to them committing the offence. The Committee may choose to take these factors into account, together with all other relevant information, in deciding whether the applicant is suitable to hold or retain a licence.

The number, type and frequency of any offences will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct, or to give a similar warning to an existing licence holder. If a significant history of offences is disclosed, refusal of an application or a revocation or suspension may result.

Options available to the Committee

Depending on the nature of the conviction or caution, and any explanation offered by an applicant, the Committee may:

- Grant the licence;
- Grant the licence together with a written warning with regard to the applicant's future conduct
- Refuse the application; or

In the case of an existing licence holder:

- Take no further action;
- Allow the licence to continue but issue a strongly worded letter with regard to the person's future conduct;
- Suspend the licence for a period as decided by the Committee together with a written warning with regard to the person's future conduct;
- In addition the Committee may order the driver to attend such training as deemed necessary in order to adequately carry out his/her duties;
- Revoke the licence;

There are statutory rights of appeal against a refusal to grant or renew a licence, and against a decision to suspend or revoke a licence that is in existence, as well as a right of appeal against any conditions which may have been imposed on any such licence by the Council.

CATEGORIES OF OFFENCES

CAUTIONS

New applicants

If an applicant has received a caution for an offence, and dependant upon the nature of the offence, they may be required to attend a meeting of the Licensing Committee to explain the caution.

A caution is regarded in the same way as a conviction

Existing Licence Holders

If an existing driver has received a caution for an offence, and dependant upon the nature of the offence, the driver may be required to attend a meeting of the Licensing Committee to explain the caution.

If a caution is not declared, but if discovered by officers, the driver will be required to attend the Licensing Committee where they must explain why they failed to declare the caution.

TRAFFIC OFFENCES

Hackney Carriage and Private Hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

New applicants:

Where an applicant has 7 or more penalty points or more on their DVLA licence for a *minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for a **major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

In most cases if there are 6 or fewer points on an applicants licence, a licence may be granted (subject to any other necessary checks and tests) by the Licensing Section with or without a formal warning with regard to future conduct.

If an applicant has been disqualified from driving for any reason, other than the offences shown below, at least five years (after restoration of DVLA licence) should elapse before an applicant is considered for a private hire/hackney carriage driver's licence.

*a minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).

**a major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance.

Existing Licence Holders

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at **all** times. Any traffic offences could show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.

Convictions or cautions for traffic offences do not automatically prevent a person from proceeding with a renewal of their licence, or from keeping their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.

Any existing licence holder who has 7 penalty points or more on his driving licence will be required to appear before the Licensing Committee to explain their convictions or cautions.

The Licensing Committee then have the option of:

- Taking no further action
- Giving a written warning
- Request the driver to undertake a driving awareness course, **at the driver's own expense**, within 2 months of their decision.
- Suspend the Licence upon conditions or for a period of time, to be commenced within 28 days of their decision.
- Revoke the licence.

In the case of an existing licensed driver being disqualified from driving under the totting up procedure, or for any other reason, their hackney carriage/private hire licence will be **immediately suspended** and referred to the next available meeting of the Licensing Committee for review.

USING A HAND-HELD TELEPHONE OR HAND-HELD DEVICE WHILST DRIVING

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

INSURANCE OFFENCES

New applicants

With regard to convictions or cautions for driving or being in charge of a vehicle without insurance, any new applicant who has been convicted or cautioned for driving or being in charge of a vehicle without insurance a licence will not be granted until at least 7 year have elapsed since the completion of any sentence imposed.

More than one conviction or caution for these types of offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence and the Licensing Committee may choose to reject the application for a licence. If an applicant has been disqualified for these offences, at least 7 years should elapse (after restoration of the DVLA driving licence) conviction free before an applicant is considered for a hackney carriage or private hire licence.

Existing Licence Holders

The Council takes a serious view of convictions or cautions for driving or being in charge of a vehicle without insurance by one of its licensed drivers.

An isolated incident may not always result in their licence being revoked or suspended.

More than one conviction and/or caution for these types of offences would raise serious doubts as to the driver's continuing suitability to hold a hackney carriage or private hire licence.

Any existing licence holder who has been convicted of or cautioned for an insurance offence will be required to appear before the Licensing Committee to explain their conviction/caution.

In the case of an existing licensed driver being disqualified from driving for any insurance related offence(s) their hackney carriage/private hire licence will be **immediately suspended** and referred to the next available meeting of the Licensing Committee for review.

DRUNKENESS

This category has been divided into two separate sections; drink driving with a motor vehicle and drunkenness without a motor vehicle.

With a Motor Vehicle

The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

- Driving or attempting to drive with alcohol above the limit;
- Being in charge of a vehicle, driving or attempting to drive when unfit through drink;
- Refusal to provide a specimen of breath or blood for analysis

New applicants

Where an applicant has a single conviction for drink driving a licence will not be granted, until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.

Any applicant with more than one conviction for any drink driving offence within seven years prior to the receipt of their application should expect their application to be rejected by the Licensing Committee.

Existing Licence Holders

A licensed driver found guilty of driving whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis, and whose DVLA licence is suspended, will have their hackney carriage/private hire licence **immediately suspended**, and referred to the next available meeting of the Licensing Committee for review.

Without a Motor Vehicle

New applicants

An isolated conviction or caution for drunkenness not associated with a motor vehicle will not necessarily result in an application being refused, but an applicant

who has been convicted or cautioned within 3 years prior to receipt of his/her application will be required to appear before the Licensing Committee hearing to explain their convictions or cautions.

Existing Licence Holders

An existing licence holder who has committed, or being cautioned for, any of these offences will be required to appear before the Licensing Committee hearing to explain their convictions.

DRUG OFFENCES

New applicants

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

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

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

Existing Licence Holders

A hackney carriage/private hire driver found guilty of driving whilst under the influence of drugs and whose DVLA licence is suspended will have their hackney carriage/private hire licence immediately suspended and referred to the next available meeting of the Licensing Committee for review.

A driver convicted of, or cautioned for, any other drug-related offence will be required to appear before the Licensing Committee to explain their conviction or caution.

EXPLOITATION

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

trafficking, psychological, emotional or financial abuse, but this is not an exhaustive list.

SEX AND INDECENCY OFFENCES

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition to the above, applicants who are on the Disclosure and Barring Services (DBS) barred lists will not be considered. Applicants who are not on the barred lists and/or are on the sexual offenders register will not be considered.

New applicants

As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions, or cautions, for a sexual offence, or where there is cause for concern of a similar nature will be required to appear before the Licensing Committee to explain their conviction(s) or caution(s).

Existing Licence Holders

Any existing licence holder, arrested for, charged with, convicted of, or cautioned for a sexual offence or where cause for concern of a similar nature arises whilst licensed with the authority may, where there is an immediate threat to public safety, have their licence immediately suspended and will be required to appear before the Licensing Committee.

Following revocation it is unlikely that anyone with convictions for the following offences will ever be licensed again.

- **Rape**
- **Indecent Assault**
- **Gross Indecency with a Female**
- **Gross Indecency with a Male**
- **Indecent Assault on a Child**
- **Buggery**

VIOLENCE/CRIMES RESULTING IN DEATH

As hackney carriage/ private hire drivers maintain close contact with the public, any convictions or cautions for violence will be taken very seriously.

New applicants

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

A licence will not be granted where the applicant has a conviction for one of the following offences until at least 10 years have elapsed since the completion of any sentence.

A licence will not be granted where the applicant has a conviction for one of the following offences until at least 10 years have elapsed since the completion of any sentence

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm
- Robbery
- Racially-aggravated criminal damage
- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Racially-aggravated harassment
- Racially-aggravated fear of violence
- Common assault
- Common assault which is racially-aggravated
- Assault occasioning actual bodily harm
- Assault on the police
- Affray
- Battery
- Riot
- Obstruction
- Criminal damage
- Violent disorder
- Resisting arrest
- Any other offence involving violence

Existing Licence Holders

An existing licence holder who is arrested for, charged with or convicted of, or cautioned for any of the offences listed above may, where there is an immediate threat to public safety, have their licence immediately suspended and will be required to appear before the Licensing Committee.

Any existing licence holder who is found guilty of the following offences, will have their licence immediately suspended and the matter referred to the Licensing Committee as a matter of urgency.

- Murder
- Manslaughter

- Causing death by reckless driving, including:
- Causing death by reckless driving when unfit through drugs:
- Causing death by careless driving when unfit through drink
- Causing death by careless driving with alcohol level above the limit
- Causing death by careless driving then failing to supply a specimen for analysis
- Manslaughter or culpable homicide while driving a vehicle
- Causing death by dangerous driving
- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Grievous bodily harm
- Robbery
- Racially-aggravated criminal damage
- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Racially-aggravated harassment
- Racially-aggravated fear of violence

DISCRIMINATION

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

POSSESSION OF A WEAPON

New applicants

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

Existing Licence Holders

An existing licence holder, who is convicted for possession of a weapon of any kind or any other weapon-related offence, will be referred to the Licensing Committee.

DISHONESTY

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken at any convictions involving dishonesty.

New applicants

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

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Any other offence involving dishonesty

Existing Licence Holders

An existing licence holder who is convicted or cautioned for the above offences, will be referred to the Licensing Committee.

HACKNEY CARRIAGE/PRIVATE HIRE OFFENCES

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

VEHICLE USE OFFENCES

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

COMPLAINTS AGAINST DRIVERS

Any complaints made against hackney carriage and private hire drivers will be investigated by the Licensing Authority

Following that investigation the following course of action may be taken:

- No further action;
- Issue a warning letter with regard to the driver's future conduct;
- Refer the driver to the Licensing Committee for a review of the driver's licence;

In the case of the latter course of action, the driver will be required to appear before the Licensing Committee to explain their actions and the Licensing Committee will consider the complaint together with any history of complaints made against the driver to assess any patterns.

On the basis of the evidence, and subject to any explanation given by the driver, the Licensing Committee will then consider whether the driver is a suitable person to continue to hold such a licence.

APPEALS

Any person aggrieved by the decision made by a District Council regarding a driver's licence held under Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976 has a right of appeal to a Magistrates' Court, this must be lodged within 21 days of the notice of the decision.

In addition, any applicant refused a driver's licence on the grounds that the Licensing Committee is not satisfied they are a fit and proper person to hold such a licence, has a right of appeal to the magistrates' court within 21 days of the notice of the decision.

It should be noted that following an unsuccessful appeal the Magistrates' Court can award such costs against the appellant as it thinks just and reasonable.

APPENDIX 3

Private Hire Vehicle Licence

Section 48(1) Local Government (Miscellaneous Provisions) Act 1976 states:
“Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied -

(a) that the vehicle is –

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable;”

Seating Specifications

Every passenger seat in the vehicle must meet the following minimum dimensions:

- Individual seat width – 41cm (16”)
- Bench seat width (ie rear seat of a saloon vehicle – 124cm (49”)
- Width between door handles – 124cm (49”)
- Width between rear doors – 132 cm (52”)
- Seat squab height measured from vehicle floor – 30cm (12”)
- Seat squab depth – 43cm (17”)
- Headroom measured from centre of seat to underside of roof – 87.5cm (35”)
- Legroom measured from seat back diagonally vehicle floor – 92.5cm (37”)
- Unobstructed space in front of seat measured from seat back – 62.5cm (25”)

There shall be no obstructions or features in the vehicle (e.g. prominent transmission tunnels, door furniture, vehicle controls, etc) which in the opinion of the Council materially interferes with the comfort of any passenger.

APPENDIX 4

Safeguarding Information for Drivers of Private Hire and Hackney Carriages Drivers

Good safeguarding practice for drivers

Check at the point of booking if there are any vulnerability issues. This will allow You to prepare for the journey in the right way.

Your office should provide parents and/or carers with the details of the car and Driver transporting a child or vulnerable adult.

Let your office know (or keep a record) of the time you picked up the vulnerable passenger, the time and place you dropped them off and whether there was any incident or anything significant on the journey.

If you refuse to take a passenger inform someone that you can't take them so they can deal with the person another way (e.g. hospital staff; family).

Record incidents and refusals. Be professional – try not to be over-friendly or talk about personal or intimate issues, don't exchange personal contact information such as passenger's telephone numbers or Facebook address.

AVOID swearing or aggressive behaviour.

DO NOT hug, cuddle, tickle or have any unnecessary contact with passengers. Never accept an offer of a sexual favour instead of payment.

MAKE SURE your private hire/hackney carriage identification badge is visible to passengers at all times. Sit lone passengers in the back unless otherwise agreed.

NEVER follow a passenger into the house unless previously agreed/properly authorised.

ASK before making a journey shorter by going off the main roads/using isolated Country roads, explain and give the passenger (or person booking) a choice of route.

NEVER double up on a booking – even if passengers are travelling in a similar direction, they may pose a threat or risk to the other passenger. As with all professions, if you are concerned about another driver's conduct, report your concerns to your office or the Council.

ALWAYS KEEP A RECORD either in your vehicle or at head office, of **ANY**

incidents or situations you were not happy with – the record should include a description of what happened and what you did to keep yourself and your passengers safe.

Reporting concerns

Phone 999 if a risk is imminent, an assault has happened or is likely to. Record and report concerns to **Humberside Police via 101** and/or **Hull Children Social Care if a child is involved on 01482 448879. Call Crimestoppers on 0800 555 111.**

What is Child Sexual Exploitation (CSE)?

- Vulnerable young people under 18 who are manipulated into a sexual relationship or situation by an adult. It is known for children as young as 11 to be subjected to this process known as ‘Grooming’.
- It involves children and young people being offered something in return for performing sexual acts e.g. alcohol, cigarettes, mobile phones, gifts, drugs money, friendship etc.

What to look for:

Taxi drivers are well placed to spot children and young people who may be vulnerable and at risk of exploitation. Drivers may be concerned by:

- More than one adult (for example two men) travelling with a child or children or young teen;
- Guests with little/no luggage going to hotels or repeat trips to the same hotel or address;
- Concerning conversations between children and adults in the taxi i.e. of an adult or sexual nature;
- A child who appears nervous, fearful, withdrawn or uncomfortable;
- Signs of alcohol/drug or substance misuse;
- A child may appear incoherent, uncomfortable or to act under instruction;
- A child who appears to speak a different language to the adult(s).

Be aware - of the indicators of risk

Be aware- of children and young people you think may be at risk

Be aware - of addresses you are taking children and young people to

Pass on - any information/concerns you have

For further information about how you can help protect vulnerable children/young people, visit:

www.hullsafeguardingchildren.co.uk

www.ceop.police.uk

www.nspcc.org