



Licensing Committee (Informal)

Tuesday 13th July 2021

10.00 am

A virtual meeting using Zoom meeting software

The following members are requested to attend the meeting.

Chairman: David Recardo
Vice-chairman: Wes Read

Jason Baker
Dave Bulmer
Karl Gill
Jenny Kenton
Tony Lock

Kevin Messenger
Crispin Raikes
Paul Rowsell
Jeny Snell
Andy Soughton

Linda Vijeh
Martin Wale
William Wallace

Any members of the public wishing to address the meeting need to email democracy@southsomerset.gov.uk by 9.00am on Monday 12th July 2021.

The meeting will be viewable online by selecting the committee meeting at: https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

For further information on the items to be discussed, please contact democracy@southsomerset.gov.uk

This Agenda was issued on Monday 5 July 2021.

Alex Parmley, Chief Executive Officer

This information is also available on our website www.southsomerset.gov.uk and via the mod.gov app

Members Questions on reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

Information for the Public

The Licensing Committee shall be responsible for those functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

The Statutory Licensing Committee has responsibility for all activities under the Licensing Act 2003 and the Gambling Act 2005 except for policies and fees. Established under the Licensing Act 2003, it exercises the functions of the Licensing Authority which itself is the Council.

The Other Licensing Committee can be responsible for all other licensing matters. Established by the Council under discretionary power contained in Section 101 of the Local Government Act 1972.

It is lawful for the membership of the two committees to be the same, but they are differently constituted and run under different powers.

Licensing Committee agendas and minutes are published on the Council's website at:
<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

The Council's Constitution is also on the web site and available for inspection in council offices.

Meetings of the Licensing Sub Committee are held as required usually in the Council Offices, Brympton Way - However during the coronavirus pandemic these meetings will be held remotely via Zoom video-conferencing.

At the meeting of Full Council on Friday 15th April 2021 it was agreed to extend the delegation of all Executive and Quasi Judicial decisions listed in the Constitution to the Chief Executive and to the relevant Director in the Chief Executive's absence where not already delegated, in consultation with the Leader of the Council (or Deputy) and the relevant Portfolio Holder, Ward Member and Committee Member if practicable to ensure that the Council can continue to operate on-line meetings.

Councillors will continue to receive decision-making reports and meet using virtual meeting teleconferencing technology and debate the reports. They will form a view which will be communicated to the Chief Executive. The decision will be formally made by the Chief Executive (or relevant Director). This is an interim measure to 31 July 2021 when we hope to return to in-person meetings.

Public participation at meetings (held via Zoom)

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings. The public are able to participate and contribute to the meeting, you will need to be able to access the meeting through Zoom at: <https://zoom.us/join>

Each individual speaker shall be restricted to a total of three minutes. The period allowed for public participation usually shall not exceed 15 minutes

If you would like to address the virtual meeting during public participation, please email democracy@southsomerset.gov.uk by 9.00am on Monday 12th July 2021. When you have registered, an officer will provide the details to join the meeting. The Chairman will invite you to speak at the appropriate time during the virtual meeting.

If you would like to view the meeting without participating, please see: https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

Virtual meeting etiquette:

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman will unmute your microphone at the appropriate time.
- Each individual speaker shall be restricted to a total of five minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

Licensing Committee (Informal)

Tuesday 13 July 2021

Agenda

Preliminary Items

1. Apologies for Absence

2. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

3. Public Participation at Committees

a) Questions/comments from members of the public

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern.

4. Date of Next Meeting

Members are asked to note that the next scheduled meeting of the Licensing Committee will be held on Tuesday 7th September 2021 commencing at 10.00am.

5. Taxi and Private Hire Licensing Policy (Pages 5 - 84)

6. Appointment of Licensing Sub-Committee Chairmen (Page 85)

7. Exclusion of the Press and Public (Page 86)

**8. Permission to Apply for a Hackney Carriage Vehicle Licence (Confidential)
(Pages 87 - 102)**



Taxi and Private Hire Licensing Policy

Executive Portfolio Holder:	Cllr Tony Lock, Protecting Core Services
Strategic Director:	Kirsty Larkins, Director Service Delivery
Lead Specialist:	Vicki Dawson, Lead Specialist Environment
Lead Officer:	Rachel Lloyd, Specialist Licensing
Contact Details:	Rachel.lloyd@southsomerset.gov.uk

Purpose of the Report

1. For members to consider amendments to the Taxi and Private Hire licensing policy with the aim of approving the policy for consultation.

Public Interest

2. The Council is responsible for granting and refusing licences to individuals and businesses who wish to operate a taxi or private hire business and for enforcing conditions on licences and the associated legislation to do with taxis and private hire vehicles (PHV) and drivers.
3. The Council has a Taxi and Private Hire licensing policy which sets out the requirements for applying for taxi/private hire badge, vehicle licences and private hire operators and how we make decisions when determining applications and enforcing licences and the legislation.
4. The policy is now due for review to ensure all current legislation, guidance and best practice is incorporated. The Policy has been updated to include statutory guidance, an update to the criminal convictions policy, wheelchair access vehicle requirements and environmental standards for new applications for licensed vehicles.

Recommendations

5. That the Licensing Committee recommends that the Chief Executive:
 - (a) Agrees to the amendments to the draft policy and permits the required consultation on the policy to take place.
 - (b) Agree decisions in relation to licensing non wheel chair accessible vehicles are delegated to Licensing Officers who will apply the guidance within the policy.

Background

6. The last Taxi and Private Hire Licensing Policy was approved in 2014 and implemented in 2015. The policy provides information and guidance to applicants, clarity for vehicle license holders, drivers and operators and informs the public on the way the Council will undertake its licensing functions. It is important that the policy is periodically reviewed to ensure it remains current.
7. Since the 2015 policy was adopted there have been updates to best practice and recently there has been a significant change with the introduction of statutory guidance. The existing policy also had a requirement for 20% of the hackney carriage vehicles to be wheelchair accessible but did not allow non-wheelchair accessible vehicles to be licensed without approval from the Licensing Committee when that percentage had been achieved. This revised policy now reflects these changes. In addition the policy has been restructured to allow for easier reading.

Report Detail – Changes to the Policy

8. The Department of Transport published Statutory Taxi and Private Hire Guidance in 2020. Licensing Authorities must have regard to this guidance, therefore, there are a number of changes or additional requirements in our policy to include the contents of the guidance. The main aim of this guidance is to prevent harm to children and vulnerable people. A list of changes to reflect the statutory guidance can be found in Table 1 in Appendix 1.
9. Other changes to the policy have been made to include areas of best practice.
10. The key changes to the policy are listed in table 2 in Appendix 2.
11. The Institute of Licensing (IoL) have published guidance on determining the suitability of applicants in the taxi and private hire trade. The guidance provides detail in relation to criminal convictions and is considered to be best practice, therefore it has been used to replace the criminal conviction detail in the existing policy.
12. The statutory guidance also contains a criminal conviction policy which is similar to the IoL guidance, however the latter contains more detail about motoring convictions, therefore it is that guidance that has been followed.
13. One of the matters that has caused discussion in the existing policy and in the taxi licensing community is the matter of wheelchair accessible vehicles (WAVs) and the proportion that should be provided within the fleet. The Disabled Persons Transport Advisory Committee published a report on their position. This report recommends that a mixed fleet of wheelchair and non-wheelchair accessible vehicles are provided because of the problems wheelchair accessible vehicles can present to people with artificial limbs and others with restricted mobility. The report also states that conventional saloon cars are accessible to the vast majority of the



South Somerset District Council

public including many disabled people, plus some wheelchair users who can transfer into the seat of the vehicle.

14. The DPTAC report recommends at least 25% WAVs should be provided within the taxi fleet. . This has been considered when drafting the policy. The policy presented proposes to follow the 25% recommended by DPTAC for Hackney Carriages. This is a change from the existing (20%). The existing policy did not allow non-wheelchair accessible vehicles to be licensed without approval from the Licensing Committee when that percentage had been achieved. There are currently 116 licensed hackney carriages and 39 are wheelchair accessible. This equates to 33%.
15. Alternatives such as 100% of wheelchair accessible vehicles were rejected in favour of the recommendation from this expert committee who advise the government.
16. The report also recommends a mixed fleet in the licensed private hire vehicles, however there isn't a requirement for this in the policy. There are 135 licensed private hire vehicles and 9 are wheelchair accessible. Hackney carriages use ranks and therefore it is important that WAVs are available, however with private hire vehicles clients can select the company they use to meet their needs and therefore a set percentage is not considered necessary.
17. There is a proposed change to the vehicle requirements to support the Council's Environment Strategy. The current policy requires vehicles to be less than five years old when they are first licensed. There is no upper age limit for renewal provided they pass the inspections and MOT tests. The new policy proposes vehicles comply with the current Euro emission standards at the time they are first licensed. The current standard is Euro 6; this has been in place since 2015 and Euro 7 is expected to come into force in 2025. Clean air zones and ultra low emission zones around the country are based on these standards and the UK is expected to continue to uphold the emission standards.
18. An upper age limit was considered, but rejected due to the environmental impact of replacing cars. Similarly, a requirement regarding electric vehicles was considered but felt unworkable currently due limitations of the market and infrastructure. This will remain under review as the position changes.
19. The policy also contains a change to the vehicle testing requirements to require an additional vehicle check on vehicles over 5 years old, as opposed to additional MOTs. This is believed to be a better way to check vehicle standards and protect public safety as the vehicle check at Lufton is more comprehensive.

Consultation

20. Once the draft policy is agreed a full consultation will take place with the trade and relevant stakeholders. This consultation will take place over an eight week period. A report will then be taken to District Executive to present a final report and policy for approval.

Financial Implications

21. There are costs in relation to the implementation of the policy and maintaining the policy requirements, in particular reminders, monitoring and enforcing the requirement for biannual DBS checks. These costs can be met from existing budgets as with the existing policy.

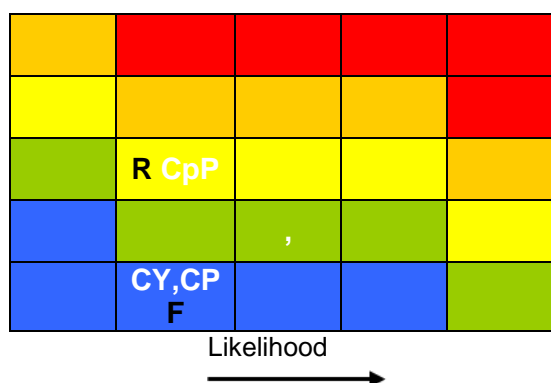
Legal implications (if any) and details of Statutory Powers

22. There is no legislative requirement to have a taxi and private hire licensing policy, however the statutory guidance recommends that Licensing Authorities have a document which brings together all of the procedures on taxi and private hire and vehicle licensing.

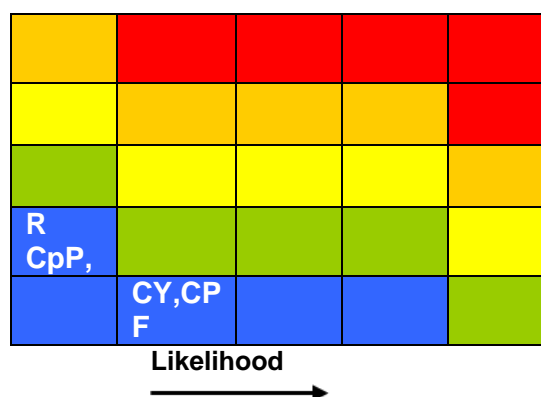
Risk Matrix

23. The risk matrix shows risk relating to the Council Plan headings.

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R - Reputation	High impact and high probability
CpP - Corporate Plan Priorities	Major impact and major probability
CP - Community Priorities	Moderate impact and moderate probability
CY - Capacity	Minor impact and minor probability
F - Financial	Insignificant impact and insignificant probability

Council Plan Implications

24. This revised policy supports the Council Plan themes, in particular The Protecting Core Services and Environment Areas of focus

- Deliver a high quality, effective and timely service to our customers

- Enhance the quality of the environment and its resilience and ability to adapt to climate change in partnership with our communities and businesses

Carbon Emissions and Climate Change Implications

25. The environmental assessment toolkit has been used to consider carbon and climate implications of this report. Overall there are no negative carbon or climate change implications in adopting this policy.
26. This policy is primarily focused on ensuring public and vehicle safety for private hire and hackney carriage use in the district. By helping ensure a safe a taxi fleet this could help increase the use of public transport and reduce private vehicle use.
27. Whilst taxi vehicle use in itself will not be reduced, the policy does specifically include a requirement for new licensed vehicles to meet the current European Emission Standard. This will serve to ensure fuel use and emissions are reduced and air quality improved. Whilst there is no current requirement for electric vehicles with use of renewable supplies, this will be considered in future as and when the market and infrastructure allow
28. There are no effects on the greenhouse gas emissions from the Councils own estate and operations.

Equality and Diversity Implications

29. A stage 1 Equality Analysis (EqA) has been completed and agreed by the Equalities Officer. This report does not pose any issue that would impact on any of the protected characteristics. An equality impact relevance check form can be found in Appendix 3.

Privacy Impact Assessment

30. The policy which is the subject of this report does not in itself involve the processing or handing of personal data. The processing of application forms in accordance with this policy currently involves the handling of personal data and no changes are being made to how that data is processed. The consultation process is likely to result in personal data being processed. The responses would be handled by SSDC and any responses would have any personal details removed before being published.

Background Papers

- Taxi Licensing Policy 2015
- DPTAC position on taxi and private hire vehicles
- Statutory and Best Practice Guidance for Taxi and Private Hire Vehicles
- Taxi and Private Hire Vehicle Licensing: Best Practice Guidance
- Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

Appendix 1

Table 1. Requirements from Statutory Taxi and Private Hire Vehicle Standards

Paragraph number	Requirement
1.12	Details of common law police disclosure
1.14 to 1.21	Fit and proper person and fit and proper person test.
1.23 to 1.24	Review of licences following changes to policy
1.25 to 1.26	Review of policy
2.17	Safeguarding of children and vulnerable adults training
2.18 to 2.19	Language proficiency
2.20 to 2.21	Requirement for licensed drivers to be DBS checked every 6 months & actions likely to be taken if this is not carried out.
2.26 to 2.28	Requirement to notify the licensing authority within 48 hours of arrest, release, charge or conviction of any sexual offence, dishonesty, violence or motoring offence & actions likely to be taken if this is not carried out
2.47	National Register of Taxi Licence Refusals and Revocations (NR3)
3.4	Basic disclosure for Hackney Carriage and Private Hire vehicle applicants which are not South Somerset District Council licensed drivers.
3.55 to 3.56	CCTV in vehicles – it is not a requirement for licence holders to install CCTV.
3.58	Vehicle enforcement – authorisation of officers from other authorities.
4.4 to 4.14	<p>Requirement for private hire operator applicants and licence holders to provide an annual basic disclosure (unless they are a South Somerset District Council licensed driver).</p> <p>Requirement of licensed operators to keep a register of staff responsible for dispatching vehicles. All staff responsible for booking and dispatching vehicles shall have a basic DBS check which must be seen by the licensed operator.</p> <p>Operators are required to have a policy on employing ex-offenders.</p> <p>The conditions in Appendix J have been updated.</p>
4.15 to 4.18	Information about record keeping
4.20 to 4.22	Use of passenger carrying vehicles is not permitted unless the informed consent of the person making the booking.
5.8 to 5.9	Training decision makers
5.13	Whistleblowing

Appendix 2

Table 2. Summary of other changes

Paragraph	Topic	Summary of Change
1.4 and 1.5	Introduction	Addition of reference to enforcement policy and partnership working
1.7	Aims of the Policy	Re-wording of the purpose of the policy
1.9	Legislation and guidance	A list of legislation and guidance used when formulating the policy
1.10	Consultation	Details of who will be consulted on the policy
1.20 to 1.21	Fit and proper person	Introduction of fit and proper person tests for vehicle licence holders and private hire operators
2.5	Passport photos	Addition that photos can be refused if they are not of a suitable standard
2.6	Knowledge Test	Re-wording of requirement and limits. No significant change
2.9	Medical examination	If the company a driver works for is known then they will be informed of any suspension etc.
2.10	Medical examination	Addition of information about medicals to drive HGVs etc. to state that the DR must state if the applicant is fit or unfit
2.11	Medical examination	Steps to be followed if a change in medical condition occurs.
2.12	Medical examination	Frequency of testing – re-wording. No significant change
2.16	Driving assessment	Time limit on producing a certificate with a new application.
2.30	Term and duration of licences	The 1 year licence for new drivers has been removed.
2.33	Change of address etc.	Change to timescales when a change has to be reported
2.34	Criminal convictions & motoring offences policy & change of wording in relation to process to be followed when assessing if an applicant or licence holder is 'fit and proper'	Adoption of Institute of Licensing's Guidance on determining the suitability of applicants and licensees.
2.42 – 2.43	Motoring Offences	This is in accordance with the guidance on determining the suitability of applicants, however, where an existing licensed driver



Paragraph	Topic	Summary of Change
		reaches 7 points on their DVLA driving licence for minor motoring offences the matter would be referred to the Licensing Committee or Sub Committee. The guidance not to grant a licence to a new applicant with 7 points for at least 5 years would be followed.
2.44	Disability awareness	The requirement for licensed drivers to have a wheelchair loading assessment has been removed because of difficulty finding a local provider, neighbouring local authorities do not require this, and it is would fall under other legislation, such as Health and Safety at Work.
2.60	Taxi Meter	Addition of requirement to charge lower fare when a fare is agreed in advance and the meter is in use.
3.1	Vehicles	Advice should be sought before purchasing vehicle if the applicant is in doubt over the suitability
3.8	Conditions	Changes to wording and byelaws included with the policy.
3.13 – 3.15	Environmental vehicle standards	<p>Changed from an age policy to comply with the current emission standard. This would apply to private hire vehicles. There currently isn't an age or emission requirement for private hire vehicles.</p> <p>Existing licensed vehicles which do not comply with this would continue to be licensed subject to passing vehicle tests.</p>
3.20 to 3.23	Vehicle testing	<p>Vehicles under 5 years old would be required to have one taxi/private hire vehicle inspection at Lufton (at the first application and renewal thereafter) and an MOT (required by law)</p> <p>Vehicles 5 years or older would be required to have two taxi/private hire vehicle inspections at Lufton (at the first application and renewal there after and at the mid-point of the licence – 6 months) and an MOT (required by law)</p> <p>This was discussed with colleagues involved with vehicle testing and is also best practice.</p>



Paragraph	Topic	Summary of Change
3.34	Return of plates following suspension, revocation, expiry etc.	Changed to 5 working days. The time period is not specified in existing conditions or policy.
3.37	Disabled access	<p>The Disabled Persons Transport Advisory Committee report published in 2020 states that a mixed fleet should be provided to accommodate the needs of all disabled passengers.</p> <p>The report suggests that at least 25% of licensed vehicles should be wheelchair accessible, therefore the figure has been set at 35. There are currently 116 licensed hackney carriages and 39 are wheelchair accessible.</p> <p>The report also says that a proportion of the private hire vehicles should be wheelchair accessible, however at this time it has not been included as a policy requirement. There are 135 licensed private hire vehicles and 9 are wheelchair accessible.</p>
3.41	Accidents/Collisions and Temporary Vehicle Plates	<p>Change to when licence holders or drivers have to provide notification of an accident (currently 72 hours).</p> <p>Change to wording on actions taken when an accident is reported through to repair and inspection.</p> <p>Addition of fee for non-returned plates.</p>
3.48	Selling a vehicle/Transfer of ownership	Change to the timescale for notification of the sale of a vehicle or transfer of ownership (currently 14 days).
3.49 to 3.50	Advertising	Change to wording, but no change to the policy in relation to advertising.
4.23 to 4.25	Plate exemption	Changes to the wording of this section and associated appendix, but no significant change to the policy.
5.1 to 5.6	General arrangements	This is a new section in the policy and has been included to inform licence holders and applicants.



Paragraph	Topic	Summary of Change
5.10	Penalty point scheme	The wording has been updated, additional areas for compliance have been identified and the maximum number of points have been updated.
5.15	Complaints	This has been added to set out how complaints are handled.
5.18	Fixing of Hackney Carriage Fares	The wording has been updated.
5.20	Un-notified inspections	This has been added to inform licence holders and applicants that this may be carried out.
5.21 to 5.25	Suspension and revocation	This has been included to set out the occasions where licences may be suspended or revoked & that companies will be informed where this information is known.
Appendix A	Knowledge Test Policy	Policy updated in relation to cancellation of tests.
Appendix B	Criminal and motoring conviction policy	Adoption of Guidance on the suitability of taxi and private hire licensees and applicants
Appendix C	Private Hire Driver Conditions	<p>Addition of requirement to inform Licensing Authority within 48 of arrest, release, charge, conviction or motoring conviction.</p> <p>Notification of change in medical condition within 3 working days.</p> <p>Notification of change of name, address etc. within 3 working days.</p> <p>Notification of accident within 3 working days.</p>
Appendix D	Hackney Carriage Byelaws	This covers vehicle, driver and proprietor requirements
Appendix E	Vehicle requirements and specifications	<p>Change of wording to this policy.</p> <p>The main change is to do with MPV type vehicles and the number of doors to the passenger accommodation. This will not affect existing licensed vehicles.</p>
Appendix F	Standard conditions for hackney carriage vehicles	Updates to the interim test (if required), fire extinguisher and first aid kit requirement, requirement to provide a current MOT for vehicles over a year old



South Somerset District Council

Paragraph	Topic	Summary of Change
Appendix G	Standard Conditions for private hire vehicles	Updates to the interim test (if required), fire extinguisher and first aid kit requirement, requirement to provide a current MOT for vehicles over a year old
Appendix H	CCTV system	Basic requirements for CCTV systems
Appendix I	Private Hire Operator Conditions	Updates to the conditions based on the new requirements in the statutory guidance.
Appendix J	Plate exemption policy	Updates to the wording of the policy, but no significant change
Appendix K	Penalty point policy	Update to the maximum number of points which can be issued. Change from Licensing Committee to Licensing sub Committee.

Appendix 3

19th March 2019

Equality Impact Relevance Check Form



The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. This tool will identify the equalities relevance of a proposal, and establish whether a full Equality Impact Assessment will be required.

What is the proposal?	
Name of the proposal	Hackney Carriage and Private Hire Licensing Policy
Type of proposal (new or changed Strategy, policy, project, service or budget):	Amended and updated taxi and PH licensing policy
Brief description of the proposal:	changes made to reflect best practice and refresh the policy.
Name of lead officer:	Rachel Lloyd

You should consider whether the proposal has the potential to negatively impact on citizens or staff in the following ways:

- Access to or participation in a service,
- Levels of representation in our workforce, or
- Reducing quality of life (i.e. health, education, standard of living)

A negative impact is any change that could be considered detrimental. If a negative impact is imposed on any citizens or staff with protected characteristics, the Council has a legal duty to undertake a full Equality Impact Assessment.

Could your proposal negatively impact citizens with protected characteristics? (This includes service users and the wider community)	YES
Could your proposal negatively impact staff with protected characteristics? (i.e. reduction in posts, changes to working hours or locations, changes in pay)	NO

Is a full Equality Impact Assessment required?	NO
If Yes, Please provide a brief description of where there may be negative impacts, and for whom. Then complete a full Equality Impact assessment Form	
If No, Please set out your justification for why not.	
Those most likely to be affected will be Disabled users. In amending and updating the policy we are adopting the Standard for wheelchair accessible vehicles set by the Disabled Persons Transport Advisory Committee which recommends that at least 25% of vehicles are wheelchair accessible. How this will be implemented can be found in paras 3.38 to 3.40 of the policy. Full consultation will take place with the trade and disabled users regarding this and future changes to the policy.	
Service Director / Manager sign-off and date	Vicki Dawson 22/06/21
Equalities Officer sign-off and date	Dave Crisfield 22 nd June 2021



South Somerset District Council

South Somerset District Council Hackney
Carriage and Private Hire Licensing Policy

2021 to 2026

Effective from:

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1.0 Introduction and Foreword

1.1 The “Taxi” is an important part of both the public transport system, and infrastructure. They have, or will be, used by almost everyone during their lifetime. Society generally takes this service for granted, and expects it to be provided without incident or concern. It is reasonable to expect that a reliable and efficient service is provided in a safe and secure manner. They can provide a vital service at unsociable hours, be a lifeline for those in rural areas, or crucial for people with mobility issues.

1.2 The majority of drivers, companies, and operators are hardworking, proud of the service they provide, and do not receive the credit they deserve. There are however, less scrupulous members of society who may see this as an opportunity to exploit people by for example, charging extortionate fares, or take advantage vulnerable adults, children, or unaccompanied females.

1.3 Public safety and confidence is paramount. It is a balancing act in terms of being robust in our checks and balances, while at the same time not burdening the taxi trade with unnecessary costs and procedures.

1.4 The Council is a signatory to the Somerset District Authorities Regulatory Services Enforcement Policy and will follow the principles set out therein whilst carrying out our regulatory functions as the Licensing Authority. The Policy is based upon the principles that our activities will be transparent, accountable, proportionate and consistent whilst being targeted only at cases in which action is required. This will initially be in the form of encouraging compliance. However more serious issues can be escalated to Licensing Committee or to Court if considered serious enough. This is in line with the Councils overall enforcement approach.

1.5 The Council is supportive of, and will participate in partnership working with other agencies such as licensing authorities, DVSA, Police, other local authority services, and the trade for the purpose of ensuring public safety and compliance with this policy. In summary, the purpose of this policy is to ensure:

- That all applicants for a drivers or operator’s licence are a fit and proper person to hold such a licence, and continue to be so for the duration of that licence.
- The protection of the public in terms of their health, safety and confidence.
- The maintenance of a respectable and reliable trade.
- The public is provided with an efficient service.

1.6 The Council believes that all applicants and holders of “taxi” licences should understand that the granting and holding of any such licence is a privilege not a right, and that with the grant of any such licence, they will abide by the terms of this Guidance and Statement of Policy.

Aims of the Policy

1.7 The aims of this policy are to provide information and guidance to licence applicants, clarity for vehicle licence holders, drivers and operators, and to inform the public as to the way the Authority will undertake its licensing functions.

1.8 In addition, this Policy document seeks to assist the Licensing Authority in reaching decisions on applications or regarding an enforcement issue, setting out those matters that will normally be taken into account.

Legislation and Guidance

1.9 In preparing and publication of this Policy the Licensing Authority has had regard to:

- Guidance issued by the Department for Transport “Taxi & Private Hire Vehicle Licensing: Best practice guidance” – edition March 2010;
- Department For Transport “Statutory Taxi & Private Hire Vehicle Standards” – edition July 2020;
- Relevant Legislation;
- Disabled Persons Transport Advisory Committee (DPTAC) position on taxis and private hire vehicles report

Consultation

1.10 Before determining this policy, the council shall take into account comments from the following:

- Consultation and discussions with other Local Authorities and Partner Agencies;
- Consultation with the taxi trade;
- Consultation with Disability and Equalities representatives.

1.11 Nothing in this Policy document should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden.

General Principles

Common Law Police Disclosure

1.12 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.

1.13 Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might 1.24

indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.

This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies

Fit and Proper Person

1.14 The term “fit and proper” is the legal term used within the taxi & Private Hire legislation. The Licensing Authority see this as meaning “safe and suitable” to hold a licence. When determining whether a person is “fit and proper” the Licensing Authority will consider the applicant’s knowledge of the local area, their driving experience, driving qualifications, medical fitness, criminal record any previous history as a licensed driver or operator and any other matter considered relevant to ensure the safety of the public and the driver.

Fit and proper person test

1.15 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver’s licence is a ‘fit and proper’ person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

1.16 “Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”

1.17 If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence.

1.18 The safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability.

1.19 This means that an applicant or licensee should not be ‘given the benefit of doubt’. If the committee or delegated officer is only “50/50” as to whether the applicant or licensee is ‘fit and proper’, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction. Where the term fit and proper is used in relation to vehicle owners and operators, the test is adapted to be relevant to those activities.

Hackney Carriage/Private Hire Vehicle fit and proper person Test

1.20 Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other

unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?

Private Hire Operator fit and proper person test

1.21 Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?

Departure from Policy

1.22 In exercising its discretion in carrying out its functions, the Licensing Authority will have regard to this Policy and the objectives set out therein.

Where it is necessary for the Licensing Authority to depart significantly from this Policy, clear and substantive reasons for doing so will be given.

Review of Licences

1.23 Any changes in licensing requirements shall be followed by a review of the licences already issued. If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, a pragmatic approach should be taken to changes and where possible a reasonable time should be allowed for these to be accommodated. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.

1.24 Where a more subjective change has been introduced, for example an amended policy on previous convictions, the Licensing Authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

Review of Policy

1.25 The Policy will be formally reviewed every 5 years, but kept under review to consider the performance of the policy, any changes in legislation and best practice, information collated over a period of time, together with the outcomes of any updates in legislation or associated government guidance.

1.26 The Policy and any supporting appendices to the Policy may be updated from time to time between full Policy reviews and applicants and other interested parties are advised to contact the Licensing Authority for the most up-to-date information.

1.27 The licensing of hackney carriage vehicles and drivers and private hire vehicles, drivers and operators is largely governed by the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985. The Council have also introduced various other conditions, which can be found in full later in this document.

1.28 In order to conduct a Hackney Carriage or Private Hire operation, the following licences are required:

To drive a licensed private hire taxi: hackney carriage/private hire drivers Licence

To operate a taxi vehicle: hackney carriage vehicle licence. The vehicle must be fitted with a meter and a roof sign. This type of vehicle can use taxi ranks (in South Somerset), be hailed in the street (in South Somerset) and be used for pre-booked work.

To operate a private hire vehicle: private hire vehicle licence. This vehicle can be used for pre-booked work only and must not be fitted with a roof sign. A private hire operators licence is also required.

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2.0 Hackney Carriage and Private Hire Driver Requirements

Age requirements for drivers

2.1 Drivers must be at least 21 years old. There is no upper age limit, as long as applicants meet the other licensing requirements.

Authorisation to drive a Motor Car

2.2 Applicants must hold a full UK (or exchangeable) driving licence and have held a full driving licence for at least 1 year.

2.3 Drivers must provide their driving licence card or the older style paper part if issued pre 1998 as part of their application.

2.4 Drivers will consent for their motoring conviction history to be verified, or provide evidence of any motoring convictions at both the point of application, and at interim points throughout the period of their licence via a source and frequency approved by the Licensing Authority

Passport Photos

2.5 Two up to date certified photos to be provided with new and renewal applications. **The Licensing Authority reserve the right to refuse your submitted photographs, if they feel the image is not of a suitable standard. You will be asked to submit replacements, and this may delay your application**

Knowledge Test

2.6 **New Drivers applying for either a Hackney or Private Hire driver licence must complete a Knowledge Test. This will be to a standard and requirement approved by the Licensing Authority. Drivers will be allowed to have a maximum of 3 attempts at passing the test. After 3 failures of the test, the Licensing Authority will not continue with the application. The driver will not be permitted to reapply for a drivers licence or book a knowledge test for 12 months from the date of the third failure. The fee for the knowledge test is non-refundable in the event of a withdrawn, refused or failed application. The knowledge test policy is set out in **Appendix A****

Medical Examination and Driver Health

2.7 Drivers must take a medical examination to DVLA Group 2 standard. This must be carried out by a medical professional who has access to the driver's medical

records. The completed medical will include a date / age specified by the professional as to when the driver is next due a medical test. If no date is given, then current DVLA group 2 medical guidance will apply.

2.8 The Licensing Authority will issue a reminder to the driver shortly before the medical expires. If a medical expires with no replacement, then the hackney carriage/private hire drivers licence will be suspended and the driver will be required to return their paper licence and driver identification badges immediately to the licensing unit. These will not be released back to the driver until a completed successful medical has been received.

2.9 Failure to comply with the request to return badges from the Licensing Authority will usually result in penalty points being issued which may result in a referral to a licensing committee recommending suspension or revocation of the drivers licence. **If a proprietor is known, they will also be informed of the driver's situation and instructed to comply in not permitting driving of their business vehicles by the individual.**

2.10 Medicals in respect of HGV (Heavy Goods Vehicles), or PSV (Public Service Vehicles) may be accepted, but cannot have been carried out more than 3 months before they are submitted to the Licensing Authority. **Evidence that the medical has been passed must be provided by the driver (i.e. the person completing the medical must state if the driver is fit or unfit to drive a licensed vehicle). The cost of the medical is payable by the driver to the medical assessor, and is therefore non-refundable in the event of any withdrawn or refused application.**

2.11 Any change in your medical condition that may affect your driving ability must be notified to the Licensing Authority within **3 working days**, or as soon as practical thereafter. **If the driver is given instruction by a medical professional, or the DVLA that they are unable to drive for a specific period, the paper Hackney / Private Hire licence and identification badges must be returned. Any written evidence of this decision is also required. In such circumstances, the driver must then produce to the Licensing Authority a certificate or letter, signed by a medical professional, certifying that they are now fit to return to work to DVLA Group 2 medical standards.**

Frequency of Medical Testing

2.12 Licence holders turning 45 years of age must submit a medical no more than 2 months following their 45th birthday and every 5 years thereafter until the age of 65 years old. Following their 65th birthday, a medical must be submitted annually.

Medical exemptions

2.13 The Licensing Authority recognises that some medical conditions can be made worse by the nature and type of work an individual performs, and that some conditions may prevent certain types of activity. For this purpose, the Licensing Authority will normally allow the following exemptions from the normal duties of a licensed hackney carriage and/or private hire driver where satisfied that there are good medical reasons to do so.

(a) **Exemption from the carriage of assistance dogs** - may be permitted where the Licensing Authority is satisfied of any condition such as severe asthma or allergy, which is aggravated by contact or exposure to dogs.

(b) **Exemptions from the carriage of luggage and/or handling of wheelchair users** – may be permitted where the Licensing Authority is satisfied of any condition (e.g. musculoskeletal pain), which is aggravated by the carriage and/or manual handling of heavy loads.

2.14 To ensure transparency and fairness, the Licensing Authority will normally grant an exemption certificate where the applicant driver can provide suitable medical evidence (at their own expense) and, where appropriate, a medical history of the condition concerned to the satisfaction of the Council's independent medical advisor. This may require an applicant to attend examination or review (i.e. a face to face assessment) by the Council's independent medical advisor (or suitable equivalent).

2.15 Further to the general policy of accessibility of vehicles and in recognition of the requirements of the law, the Licensing Authority will, where appropriate, grant an exemption certificate, showing the photograph of the driver, that must, on condition, be displayed in the vehicle at all times the driver is working.

Driving Assessment

2.16 All new drivers must provide a pass certificate from a formal driving assessment with either the Driver Vehicle Standards Agency (DVSA), or from a service provider approved by the Licensing Authority. **The pass certificate can be no more than 5 years old at the time of submitting it with your application.** Details of these providers can be found on our website. The cost for these assessments is to be paid by the driver to the provider and is non-refundable in the event of a withdrawn or refused application.

Safeguarding of children and vulnerable individuals

2.17 Drivers will be required to undertake mandatory safeguarding training before a licence is issued. This training will be from a provider approved by the Licensing Authority. Drivers may also be required to undertake refresher training from a provider approved by the licensing team during the period of any future licence renewal. Failure to complete such training when required will result in referral to a licensing committee recommending revocation of the licence. Should a licence holder fail to report a safeguarding concern, they will be investigated and may have their licence revoked or suspended.

Language proficiency

2.18 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral

proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

2.19 The Licensing Authority's test of a driver's proficiency shall cover both oral and written English language skills to achieve the objectives stated above.

Criminal Convictions

2.20 All drivers are required to have an enhanced DBS criminal convictions check. All licensed drivers are required to have continuous registration with the DBS update service and give consent for their DBS record to be accessed by the Licensing Authority to enable routine checks for new information every six months. Drivers that do not subscribe up to the Update Service will also be subject to a check every six months

2.21 If at any stage the Licensing Authority are unable to verify the drivers online DBS status (i.e. their online account has lapsed, or the driver has a new conviction), then the driver will be contacted, and must return their paper licence and ID badges with immediate effect. The licence and badges will not be returned until a new DBS application, and online DBS account have been completed, and a result certificate verified. The driver is therefore not permitted to drive during this period.

2.22 Criminal convictions will be considered using the criminal convictions policy contained in Appendix B).

Certificate of Good Conduct

2.23 It is a requirement of the DBS that if an applicant has lived abroad for a period of 6 months in the last ten years or is from an (EEA) Member State or other country, then a Certificate of Good Conduct (or equivalent) authenticated and translated by the relevant embassy is required. The applicant will normally have to make an appointment to visit the Embassy of their country here in the UK, to make arrangements to obtain this document. Please refer to The DBS website for more information about obtaining these certificates, or similar documents from other countries. This process applies to both foreign nationals coming from abroad, and UK nationals who have lived abroad.

2.24 To ensure authenticity, currency and efficiency of use, the Licensing Authority requires that certificates of good conduct (or suitable equivalent) be -

- (a) translated and submitted in written English;
- (b) authenticated/certified as a true and accurate record by the relevant Embassy; and
- (c) dated within 6 months of the date of submission or within a period otherwise considered appropriate in the circumstances.

Declaration of criminal and motoring convictions

2.25 For all licence holders, all current, and subsequent criminal and motoring convictions, cautions and fixed penalties must be declared to the Licensing Authority. This includes declaring any pending convictions or matters under investigation, or that are the subject of any appeal.

2.26 Licence holders shall notify the Licensing Authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence

2.27 Failure by a licence holder to disclose an arrest that the Licensing Authority is subsequently advised of will usually be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

2.28 A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, shall be referred to the DBS.

Right to work checks

2.29 Since the introduction of the Immigration Act 2016, all applicants for a Hackney Carriage or Private Hire driver's licence or renewal will need to demonstrate that they have the right to work in the UK before they can be issued with a licence.

Term and Duration of Driver Licences

2.30 Driver licences will be issued for a period of 3 years, except where there is a specific reason to issue it for a shorter period.

Expiry of drivers Licences and renewals

2.31 If the driver wishes to continue driving, they must complete a renewal application on the appropriate authority application form. Instructions regarding the renewal process and supporting documentation required will be issued to drivers by the Licensing Authority shortly before expiry.

Late renewal of drivers licences

2.32 If a renewal application is received after expiry, unless there are exceptional circumstances, this will be classified as a break in the licence. The application will be treated as "new" rather than "renewal".

Changes of name / address / personal contact information

2.33 All licence holders, are required to notify the Licensing Authority of any change of name or address, within 5 working days of the event. This also applies to a contact telephone number and e-mail address. A new paper licence would be issued in respect

of changes to name and / or address for which there is a fee. Any letter issued by the Council, or under any of the provisions of the Town Police Clauses Act, 1847, Part II of the Local Government (Miscellaneous Provisions) Act, 1976 and all other relevant legislation, will be classed as issued correctly, if served personally on them or sent to them by pre-paid post to, or left at, the last known / declared address of the holder of the licence.

Criminal Convictions and Motoring Offences Policy

2.34 The Council has adopted the Institute of Licensing's Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

2.35 The Licensing Authority when considering convictions and cautions recorded against an applicant or an existing licensed driver will have regard to the "Criminal Convictions Policy" set out in **Appendix B**.

2.36 In assessing whether an applicant or licensed driver is a "fit and proper" person to hold a licence, the Licensing Authority will consider each case on its own merit.

2.37 Upon receipt of the enhanced DBS check, the Licensing Authority will assess whether any or all of the convictions and/or cautions can have real relevance to the issue of if the applicant or licensed driver is a fit and proper person to hold a licence. The Licensing Authority will also take into account any fixed penalty notices and other information, but only in so far as they are relevant to an application for a licence or impact on the continuance of an existing driver licence. In certain cases, the matter may be referred to the Council's Licensing Committee for determination.

2.38 The Licensing Authority will have regard to fixed penalties when considering if an applicant is a fit and proper person. Failure to inform the Licensing Authority of any fixed penalty notices obtained during the application or licence period may result in possible rejection of the application or suspension or revocation of the licence.

2.39 In relation to cautions, the Licensing Authority will have regard to the nature of the infraction when considering their relevance to an application or continuance of an existing driver licence.

2.40 In relation to previous convictions, the Licensing Authority will have regard to the following:

- The nature of the offence/s;
- The age of the offence/s;
- The apparent seriousness, as gauged by the penalty applied.

In general terms, the more recent, serious and relevant the offence is, the less likely that an application will be granted or that an existing licence will be permitted to remain in effect.

2.41 The presence of past or acquired criminal convictions by a person will not automatically prevent a person holding a licence and will be assessed against the Licensing Authority's Criminal Convictions Policy shown at **Appendix B**

Motoring Offences

2.42 If a currently licensed hackney carriage/private hire driver reaches 7 points on their DVLA driving licence they will be referred to the Licensing Committee.

2.43 New applicants with 7 or more points on their DVLA driving licences will be determined in accordance with the Criminal Convictions and Motoring Offences Policy

Disability Awareness

2.44 The Licensing Authority will require all applicants to submit a pass certificate from a recognised training provider to demonstrate that they have attended a suitable course of instruction in disability awareness, in addition the Licensing Authority notes that some wheelchair users may require driver assistance to safely enter, travel in and alight from a licensed vehicle. Accordingly, it is the policy of the Licensing Authority to ensure that those who provide a wheelchair accessible driving service can demonstrate a sufficient level of competence in the (un)loading, security and safety of wheelchair users to a level commensurate with this role.

2.45 To ensure authenticity, currency and efficiency of use, the Licensing Authority will, where appropriate, require that relevant pass certificates be dated within 6 months of the date of submission

Mobile phones and other handheld devices

2.46 The use of any handheld devices whilst driving is prohibited. Licence holders who are found to do so may have penalty points issued or their licence suspended or revoked.

National Register of Taxi Licence Refusals and Revocations (NR3)

2.47 Licence applications that are revoked or refused by an officer or licensing committee, on the grounds of public safety, will now be recorded on the NR3 database. Basic identifying information, such as name, date of birth, national insurance number, driving licence number, and date of decision, will be recorded on the database. This record stays on the database for 25 years. New and renewal driver applications will also be checked against the database. In the case of a match, Licensing Authorities must contact the listing Licensing Authority to obtain full details of the specific licensing committee decision. For further details of NR3 please refer to our website.

Conditions of Driver's Licences

Private Hire vehicle drivers

2.48 Section 51(2) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to attach such conditions to a private hire vehicle driver's licence as may be considered reasonably necessary.

2.49 The conditions that the Licensing Authority generally considers reasonably necessary and will normally be applied in respect of private hire vehicle drivers are detailed in **Appendix C**.

2.50 Where appropriate, the Licensing Authority may remove, modify and/or attach additional and/or alternative conditions appropriate to the individual circumstances of the case.

Hackney carriage drivers

2.51 By law, the Licensing Authority is not permitted to attach conditions to a hackney carriage driver's licence but may formally regulate standards etc through the adoption of local byelaws instead. South Somerset has adopted local byelaws in relation to hackney carriages. The Licensing Authority will attach those conditions detailed in **Appendix D** by way of advising drivers of the standards expected of them and to enable them to comply with the extant byelaws.

Taximeters, fares, and fare cards

2.52 Hackney Carriages must be fitted with a taximeter

2.53 The meter will be programmed with the current tariff (or lower), as set by the Council

2.54 The meter will not be turned on until all passengers are secured safely and the journey commences. It will be turned off on arrival at the destination point, and when the vehicle has come to a halt.

2.55 When the vehicle is at the pick-up point at the agreed and requested time, and the driver is instructed to wait, or given a change of destination, the vehicle is deemed to be hired at that point.

2.56 The current fare card must be clearly displayed and visible to passengers at all times.

2.57 The driver may charge less than the figure shown on the meter but not more.

2.58 The amount payable by the customer displayed on the meter, must remain visible at all times during the journey until the fare has been paid.

2.59 The proprietor / driver shall not tamper with the meter or its seals, or request anyone else to do so, unless they are an authorised officer of the council.

2.60 In the event of a fare being agreed in advance, and the meter being in operation for the journey, at arrival, the driver must always charge the lower of the two figures.

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3.0 Hackney Carriage and Private Hire Vehicles

3.1 When considering the purchase of a vehicle, applicants should contact the Licensing Authority for advice should they be in any doubt as to whether or not the vehicle will comply with Council Policy. It is recommended that such advice is taken before purchasing the vehicle.

3.2 Before South Somerset District Council will consider licensing a vehicle for the first time it must meet the vehicle specification set out in **Appendix E**.

Limitation on the number of Hackney Carriage Vehicles

3.3 The Licensing Authority has no limitation on for the number of hackney carriages which may be licensed within the South Somerset District Council area.

Basic Disclosure

3.4 This Licensing Authority will require applicants for vehicle licences to undertake a basic disclosure from the DBS and ensure that a check is undertaken annually. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). The basic disclosure shall not be more than 3 months old at the time it is submitted with a vehicle application.

3.5 Consideration will be given to whether an applicant or licence holder with a conviction for offences provided in Appendix B to this document, other than those relating to driving, meet the 'fit and proper' threshold.

3.6 If an individual holds a valid Taxi or Private Hire driver licence with South Somerset District Council and the DBS twice-yearly checks are up to date and acceptable then no additional check will need to be provided should they apply for a vehicle licence.

3.7 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle licence; these decisions will be made independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check.

Conditions

3.8 Conditions will be applied to vehicle licences granted by South Somerset District Council. The conditions can be found in the following appendices

Hackney Carriage vehicle licence conditions **Appendix F**

Hackney Carriage Byelaws **Appendix G**

Private Hire vehicle licence conditions **Appendix H**

Inspection of Vehicles

3.9 The vehicle must be inspected at the Councils in-house maintenance department, **or authorised equivalent** and a pass certificate issued. In addition, proprietors may have to submit their vehicle for scheduled inspection at a reasonable time and location within the District as specified in a written notice, issued to the proprietor. Notice is considered served, if issued personally to them, posted to, or left at, the last known address of the licence holder.

MOT

3.10 A current MOT certificate is required on all vehicles over one year old. This is in addition to the Council vehicle inspection test carried out annually or biannually.

Insurance

3.11 The Licensing Authority will require a suitable policy of insurance on grant or renewal of any hackney carriage or private hire vehicle licence.

3.12 Before permitting any licensed Hackney Carriage driver to drive the vehicle, the licence holder shall ensure that the driver is adequately insured to do so.

Environmental vehicle standards

3.13 **In recognition of the Council's wider role, the Licensing Authority will require all new licensed vehicles to be compliant with the current European Emission Standard (EURO)**

3.14 **In line with South Somerset District Council's Environment Strategy applicants are actively encouraged to promote and invest in vehicles and related technologies that offer the best environmental standards in terms of emissions, the use of cleaner fuels, fuel and engine efficiency (i.e. performance) and end-of life recycling etc.**

3.15 **Specific requests for vehicles outside of this specification would have to be approved by the Licensing Committee.**

Term and Duration of Vehicle Licences

3.16 The Licensing Authority will normally and, where appropriate, grant a hackney carriage or private hire vehicle licence for a period of 12 months; this being the statutory maximum duration.

Public Liability Insurance

3.17 The Licensing Authority recognises that hackney carriage and/or private hire driver's often perform duties other than driving passengers from A to B as part of their daily business e.g. carriage and loading of luggage, assistance of passengers (including the elderly and wheelchair passengers) etc. For this reason, the Licensing

Authority will require applicants to provide and, on condition, maintain a suitable policy of public liability insurance that adequately covers any damage, loss or injury to any third party (e.g. customers and other members of the public) or property that may arise during the course of a driver's day to day activities.

3.18 For this purpose, the Licensing Authority will normally take a suitable policy of insurance to mean valid public liability insurance that

(a) covers up to £5 Million for each and every claim in respect of any damage, loss or injury arising from the activities of the driver; and

(b) indemnifies the driver while performing his taxi driver duties both in and outside (i.e. away/remote from) the vehicle (e.g. carriage of luggage and/or provision of assistance to a customer's home etc).

3.19 In an effort to ensure that suitable public liability insurance is maintained for the term and duration of any licence issued, the Licensing Authority will normally require renewal applicants to submit all relevant public liability insurance documents held in respect of their activities over the term and duration of their (pre)existing licence.

Vehicle Testing

3.20 Taxis and Private Hire vehicles typically complete higher mileage than vehicles used for private use, therefore, the licensed vehicles will require additional testing over and above the legal requirements for cars, MPVs etc.

3.21 Vehicles under 5 years old are required to pass an annual inspection at the Council's testing station (or approved equivalent) and required to have an annual MOT test. The inspection at the Council's testing station (or approved equivalent) will be carried out at the grant and renewal of the licence

3.22 Vehicles 5 years old and over are required to pass biannual inspections at the Council's testing station (or approved equivalent) and an annual MOT. The tests at the Council's testing station will be carried out at grant and renewal and around the mid-point of the licenced period. The vehicle licence will normally be suspended if the second test is not carried out, or the vehicle fails the test.

3.23 Failure to attend a vehicle test or give adequate notice of cancellation will normally result in full payment of the fee to have the vehicle tested and issuing of penalty points contained in **Appendix I**

V5 Documentation

3.24 Applications for the continuation of a vehicle licence must be accompanied by a full V5 document. The registered keeper name must reflect the name of the licence applicant.

Bill of Sale

3.25 To assist vehicle identification and proof of interest and/or ownership and, in recognition of the time it can take for a DVLA vehicle registration document (V5) to be updated following transfer, suitable proof of sale will, where appropriate, be required for any first-time vehicle licence application.

3.26 Suitable proof of sale will be taken to mean written correspondence signed and dated by the transferor and transferee (including name and address) declaring the sale/transfer of the vehicle (make, model and vehicle index) to the named transferee. For this purpose, a copy of the DVLA vehicle registration document (V5), letter, hire purchase agreement or similar completed with the new vehicle keeper details will normally be acceptable.

Insurance write-offs

3.27 For reasons of public safety, the Licensing Authority will not normally accept any vehicle that has been subject to such damage as to be categorised as a category A or B 'write off' by a relevant insurance company under the extant Code of Practice for the Disposal of Motor Vehicle Salvage. As damage at this level cannot always be detected or fully repaired, this policy will apply regardless of whether or not the vehicle has since been repaired to an MOT pass standard.

Taximeter certification

3.28 The Licensing Authority may require both on grant, renewal or when a rate change takes place, suitable documentation that certifies any taximeter to be used in the vehicle is either –

- (a) sealed (or otherwise incapable of tampering);
- (b) calendarised; and/or
- (c) programmed in accordance with the current scheme of fares in force for the time being.

3.29 Where appropriate and by way of ensuring public protection, calendarisation, programming and certification of taximeters must be undertaken by an independent competent person.

Lifting equipment inspection certification

3.30 The Licensing Authority notes that for reasons of safety and maintenance, any mechanical lifting equipment is subject to periodic inspection and testing requirements under the Lifting Equipment & Lifting Operations Regulations 1998 (LOLER). Therefore, for reasons of public safety and compliance with the law, the Licensing Authority will normally require applicant proprietors to submit and maintain a valid LOLER certificate for each piece of lifting equipment that may be fitted to or within the vehicle (e.g. powered swivel seats, mechanical lifts etc).

Roof Signs

3.31 Hackney carriages must carry and display or otherwise be fitted with a roof mounted 'Taxi' sign (or similar wording) that is clearly visible when the vehicle is available for hire both by day and night. So as to avoid claims of illegally plying for hire (e.g. in another area for which the vehicle is not licensed), the design must be such that any illumination can be switched off independently of any other vehicle system when the vehicle is hired or not in use as a taxi.

3.32 So as to avoid any confusion with a hackney carriage, the Licensing Authority will normally seek to ensure that private hire vehicles do not employ, display or otherwise have affixed – any roof mounted signage.

Vehicle Licence Plates

3.33 At all times, one current plate shall be securely fixed (Velcro is not considered to be secure enough) to the exterior of the vehicle at the rear. The internal badge shall be displayed in the upper left corner of the windscreen with details facing outwards and the 'glow in the dark' number facing inwards. They must be clearly visible and maintained in a clean, tidy and legible condition.

3.34 The plates remain the property of the South Somerset District Council at all times and in the case of revocation, suspension, or refusal to renew, shall be returned on expiry, or within **5 working** days of the notice being served.

3.35 In addition to the above, private hire vehicles are required to display external door stickers on the driver and passenger sides of the vehicle.

3.36 No proprietor may offer for sale such a licence unless the sale is for the whole licensed vehicle (in which case an application for the transfer of a vehicle licence must be made) – the plate in isolation may not be sold under any circumstances. All expired plates, and those that are no longer required due to the sale or scrapping of the vehicle, are to be returned to the Licensing Authority within **5 working** days of the event, or next available working day thereafter. If vehicle plates are reported stolen to the Licensing Authority, then the relevant police crime number must also be submitted.

Wheelchair Access

3.37 In accordance with the DPTAC report, the Licensing Authority requires that a mixture of wheelchair accessible and non-wheelchair accessible vehicles should be provided. The licensing authority will adopt the recommended minimum proportion of 25% of the total of all licensed vehicles.

3.38 At the time of adopting this revised policy the total number of licensed Hackney Carriages is 116 with 39 of these wheelchair accessible i.e. 33%.

3.39 Numbers will be continuously monitored to ensure we do not fall below the 25% minimum standard and where this is at risk of occurring it may be necessary to insist on new licenses being issued for wheelchair accessible vehicles only.

Taxi Ranks

3.40 When on a taxi rank, vehicles must fill the rank from the front, and queue in the next space behind. Vehicles will then move forward as soon as a taxi moves away and space becomes available. If a rank is full, the driver must make alternative arrangements or find another rank. **Vehicles must never be left unattended on the rank for any length of time. Drivers do not have to stay in the vehicle, but must remain in the immediate vicinity of the rank.**

Accidents / Collisions and Temporary Vehicle Plates

3.41 The proprietor (and driver if different) of a vehicle must both report to the Licensing Authority any accident involving their vehicle, as soon as reasonably practicable, and in any case, within **3 working days** of the occurrence, in accordance with the Local Government (Miscellaneous Provisions) Act, 1976. **At the time of contact, the Licensing Authority will advise all parties if this declaration is sufficient, or if they must provide in writing a full and suitable account of the incident, details of who was driving, and if appropriate, details of any insurance claim. This action will normally be required for more serious incidents.**

3.42 In recognition of the variable nature and degree of damage that can be incurred in vehicle accidents, the Licensing Authority will normally seek to inspect the vehicle and/or direct that the vehicle be subject to inspection and/or testing at a place and by individuals of its choice. Where this is not practical (e.g. the vehicle has already been taken to or recovered by a mechanic etc), the Licensing Authority will normally require suitable confirmation of the vehicle's condition and status.

3.43 Where appropriate, the Licensing Authority has powers to suspend and/or revoke a vehicle licence, or otherwise allow the vehicle to continue in use (whether or not pending repair, inspection and/or testing etc). The Licensing Authority will normally have regard to – the appearance of the vehicle, the comfort and convenience of passengers, nature and extent of the damage, security of the vehicle (if the driver is able to access and drive the vehicle) safety and performance of the vehicle.

3.44 Damage to the vehicle must be repaired as soon as is practicable.

3.45 If the accident damage consists of cosmetic damage only; a schedule of works and visual inspection by the Licensing Authority will be sufficient.

3.46 If the damage to the vehicle consists of mechanical/structural damage a vehicle test at the Council's testing station (or authorised equivalent) will be required (a fee will be payable for this).

3.47 When a vehicle is off the road as a result of an accident or collision, a temporary plate can be issued for a replacement vehicle through an insurance company, and a process approved by the Licensing Authority. A temporary plate will be issued for a maximum of 3 months. It will be the responsibility of the proprietor to provide documentary evidence as to why the vehicle cannot be repaired within this time. **If temporary plates are not returned, a charge may be levied.**

Selling a Vehicle / Transfer of ownership

3.48 If a proprietor sells or transfers their interest in a vehicle, they must notify the Licensing Authority within **5 working** days, giving details of the person to whom the vehicle has been sold or transferred. A transfer of ownership application must be received within 5 working days of the event, from the new keeper that wishes to licence the vehicle.

Advertising

3.49 Advertising is permitted on Hackney Carriages provided that it is truthful, legal and decent, **and does not obscure the licence, vehicle registration plates or any other signage required to be on the vehicle.**

3.50 By way of a further distinction between hackney carriage and private hire vehicles and by way of providing clarity to the side plates required on private hire vehicles, the Licensing Authority will not normally permit any advertising on any private hire vehicle, other than corporate branding of the operator concerned

Dual Licensing of Vehicles

3.51 South Somerset District Council does not allow the dual licensing of their licenced Hackney or Private Hire Vehicles with any other Council area. If it is established that a vehicle is licenced in multiple districts, it renders the South Somerset licence invalid with immediate effect, with no right to a refund.

Out of Area Working

3.52 When an applicant wishes to licence a vehicle as a hackney carriage the Council will require information, pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976, as to whether the applicant intends to use the vehicle to stand or ply for hire in South Somerset District Council's area and also if the applicant intends to use the vehicle entirely or predominantly remotely from South Somerset District Council's area on a pre-booked basis.

3.53 Whilst each application will be considered on its own merits, the Council will have regard to the geographic location of an applicant's home and business address.

3.54 If the Council believes that the hackney carriage is to be used entirely or

predominantly remotely from South Somerset District Council's area on a pre-booked basis, then the application for a licence will normally be refused

CCTV in vehicles

3.55 CCTV is not mandatory but the Licensing Authority recognises that the use of CCTV can provide a safer environment for the benefit of hackney carriage/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

3.57 The Hackney Carriage and Private Hire vehicle trades are encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis and it will then be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner. Should a system be installed it shall comply with the requirements set out in **Appendix H**

Vehicle Enforcement

3.58 Any Authorised Officer of the Council is empowered to inspect and test, for the purpose of ascertaining its fitness, any vehicle licensed by the Council. If they are not satisfied as to the fitness of a vehicle, they may give notice in writing of the defects to the proprietor and require the vehicle to be made available for a further inspection. A licence may be suspended until the officer is satisfied of the condition of a vehicle. In cases of significant public safety risk, inspectors are permitted to remove the licences plates without warning to the proprietor. This vehicle can no longer be used until the defects are rectified and licence plates restored by officers.

3.59 Where the need arises, Licensing Authorities may jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. This enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. Such an agreement will enable those authorities to take action against those that are licensed by the other authority when they cross over boundaries. This will also mitigate the opportunities for drivers to evade regulation.

4.0 Private Hire Operators

4.1 Any individual, company or similar who, in the course of their business, makes any provision for the invitation and acceptance of bookings for (i.e. to operate) a private hire vehicle must hold a private hire operator's licence.

4.2 **NB:** A private hire operator may only operate a private hire vehicle that has been licensed by the same authority as the operator. Likewise, the private hire vehicle may only be driven by a private hire driver licensed by the same authority. All three licences (operator, vehicle and driver) must be issued by the same authority i.e. SSDC). This is known as 'the three licence rule'

Duration of Private Hire Operators Licences

4.3 Licensing Authority will, where appropriate, normally grant or renew a private hire operator's licence for a maximum period of three years.

Basic Criminal Record Check for Private Hire Operators

4.4 This Licensing Authority will require applicants for vehicle licences to undertake a basic disclosure from the DBS and ensure that a check is undertaken annually. The basic disclosure shall be submitted with an application no later than 3 months after its issue. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC).

4.5 Consideration will be given to whether an applicant or licence holder with a conviction for offences provided in Appendix B to this document, other than those relating to driving, meet the 'fit and proper' threshold.

4.6 If an individual holds a valid Taxi or Private Hire driver licence with South Somerset District Council and the DBS twice-yearly checks are up to date and acceptable then no additional check will need to be provided should they apply for a vehicle licence.

4.7 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold an operator licence; these decisions will be made independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check.

4.8 Private Hire Operators will require a basic DBS check. If the proprietor of a Private Hire Operator Licence also holds a Hackney or Private Hire vehicle driver licence with South Somerset District Council, the DBS check carried out as part of that licensing process may be used.

4.9 It is noted that staff employed by an Operator to take bookings or as a vehicle dispatcher deciding which driver to send to a user, are in a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the

dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

4.10 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. The Licensing Authority, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles to be kept.

4.11 Operators will be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

4.12 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

4.13 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these function

4.14 Operators or applicants for a licence will be required to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (**Appendix B**), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record Keeping

4.15 Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator.

4.16 The record keeping requirements are set out in the private hire operator conditions which are in **Appendix I** and will be attached to licences.

4.17 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

4.18 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations

Public Liability Insurance

4.19 As private hire operators carry contractual responsibilities with their customers (e.g. to ensure that vehicles are punctual and get passengers to the airport on time etc) and may provide facilities to the general public as part of their daily business (e.g. waiting rooms, toilets etc at the taxi office), the Licensing Authority will, where appropriate, require applicant's to provide and maintain a suitable policy of public liability insurance. Such insurance must adequately cover any damage, loss or injury to any third party (e.g. customers and other members of the public) or property that may arise during the course of an operators business and day to day activities. For further details see pp 5.146.

Use of passenger carrying vehicles (PCV) licensed drivers

4.20 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver.

4.21 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

4.22 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

Conditions

The standard conditions are contained in **Appendix I**.

Plate Exemption

4.23 Applications will be considered for the dispensation from the requirement to display plates on a Private Hire vehicle. These will not be issued as a matter of course

and each application will be considered on its own merits. The overriding consideration is for public safety – the clear identification of a licensed vehicle is considered a safety aspect, particularly when visiting such places as Airports and the centres of large towns.

4.24 In determining such an application, the status of the passenger and the executive nature of the work is likely to indicate whether a dispensation will be granted or not.

4.25 The Licensing Authority requirements in relation to dispensation from displaying plates are shown at **Appendix J**

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5.0 General Arrangements

Licence Applications

5.1 An application for a vehicle, driver or operator's licence will be made on the specified application form issued by the Licensing Authority.

5.2 Applications will not be processed unless all the required documentation is produced and the licence fees have been paid.

5.3 It is the responsibility of the individual licensee to renew an existing licence and the absence of a reminder letter will not discharge the licensee of his/her individual responsibility.

5.4 Application forms, appropriate fees, and supporting documentation should be submitted in sufficient time to allow processing of the application. It is recommended that applications are made at least at least 28 days prior to the expiry of the previous licence.

5.5 A licence that is not renewed by its expiry date will be deemed to have not been renewed and a fresh application for a new licence will be required, unless exceptional circumstances can be demonstrated to the Licensing Authority.

5.6 Applications will not normally be entertained from persons who have had any licence revoked either by South Somerset Council or another Local Authority previously. The NR3 register will be consulted for revocations in other Local Authority areas.

Delegation of Functions

5.7 In the interests of speed and efficiency the Licensing Authority will, where possible, delegate licensing decisions and functions to officers. Where the issue to be decided is in any way controversial then it may be referred to and decided by the relevant Licensing Committee or Sub-Committee. Within these general constraints, functions, responsibilities and access to confidential information will be delegated in accordance with the Council's scheme of delegation

Training Decision Makers

5.8 All individuals that determine whether a licence is issued will be required to undertake sufficient training in such matters as licensing procedures, natural justice, equalities, safeguarding and making difficult and potentially controversial decisions.

5.9 All training will be formally recorded by the Licensing Authority with acknowledgment recorded from participants.

Penalty Point Scheme

5.10 The Licensing Authority operates a penalty point scheme contained in **Appendix K**.

5.11 When it is determined that use of the penalty point scheme is appropriate, points will be issued in accordance with the policy.

5.12 If a driver, vehicle licence holder or operator receives 12 points in any 12 month period the licensee will normally be asked to appear before the Licensing Committee.

Whistleblowing

5.13 Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. The Licensing Authority will have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.

5.14 The Local authority will ensure there is an effective 'whistleblowing' policy and that all staff are aware of it.

Complaints

5.15 The Licensing Authority will investigate complaints made against licenced drivers, vehicles, and operators, as well as those that are un-licenced. They will take action proportionate to the nature of the complaint, the evidence established, and any past history of similar matters related to the licence holder. Each complaint is looked at on a case by case basis and on its own merits. Complainants are encouraged to raise their concerns directly with the licensee in the first instance to try and establish a resolution. If the complainant is not satisfied with how their complaint has been investigated and handled, South Somerset District Councils formal complaints procedure will be followed.

5.16 Complainants may be asked to provide a written statement confirming the details of an incident, and may be requested to attend licensing committee hearings, or court proceedings in serious cases. If a complainant is not willing to provide such information, they should make this clear from the outset and explain their reasons, as this may affect the weight attached to their evidence.

Fixing of Hackney Carriage Fares

5.17 The Council set the maximum level of fares and charges in respect of hackney carriages. A driver may charge less than the maximum fare. The procedure for fixing fares is as follows:

5.18 A request for a fare increase must be from a local trade organisation, rather than by either an individual, or a single company / business. The proposal will be considered at the next available Licensing Committee Meeting. If approved or amended, the Council will publish in a local newspaper, a notice setting out the proposed table of fares and specifying a period (not less than fourteen days) where objections to the

proposed fares can be made from the general public or other sources. If the request is rejected at the committee, the matter is closed and cannot be challenged. If a request for a fare increase is still to be pursued, a fresh revised request must be submitted to the Licensing Authority. The new request will be referred to the next available licensing committee for the matter to be reconsidered.

5.19 If no objections are made, or they are all withdrawn, proposed fares will begin on a date set by the Committee. If relevant objections are made and not withdrawn, they will be referred back to the next Licensing Committee meeting for consideration.

Un-notified inspections (all licence holders)

5.20 The Council, to discharge its role as the Licensing Authority, reserves the right to carry out routine and unannounced inspections of individuals, vehicles, businesses and operators to ensure compliance with the relevant legislation where it feels appropriate.

Suspensions, Revocations & Refusals

5.21 The Licensing Authority may suspend, revoke or refuse a licence, on any of the following grounds:

5.22 The licence holder has been convicted of an offence, or fails to comply with any of the provisions of, the Town Police Clauses Act, 1847 or Part II of the Local Government (Miscellaneous Provisions) Act, 1976; (all licence holders)

Convicted of an offence involving dishonesty, indecency or violence (drivers & operators)

If disqualified from driving, the licence shall be automatically revoked (drivers).

If their conduct appears to render them not suitable to hold a licence (operators)

If their circumstances have significantly changed since the issue of the licence (operators)

That the vehicle is unfit for use as a hackney carriage or private hire vehicle (vehicle).

Failure to comply with any condition of a licence or requirement of this policy.

Any other reasonable cause (all licence holders).

5.23 Licensing Officers have delegated authority to immediately suspend any driver who fails to provide correct administrative documentation in support of their licence application, renewal or during the licensed period (for example, valid medicals, DBS results, DVLA records etc.), until the information is provided. Any vehicle licence may be suspended in the event that the licence holder fails to provide evidence of insurance, MOT etc. All licence holders must return their paper licence, any vehicle licence plates or identification badges to a licensing officer immediately upon suspension, revocation, or ceasing to be licenced.

5.24 Any person who wilfully obstructs, fails to comply with, or fails to offer all reasonable assistance to, authorised officers or Police officers in pursuance of their duties relating to Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town and Police Clauses Act 1847, shall be guilty of an offence.

5.25 Where a driver licence is suspended or revoked and the company the individual works for is known; the company will be informed of the suspension or revocation.

Appeals against Suspensions, Revocations & Refusals

5.26 The Council will (usually within 5 working days) give reasons in writing why the licence has been suspended, revoked or refused. Full details of how to appeal against the decision will be issued in this communication. Appeals must be made to the Magistrates court, and can only relate to the decision, or any conditions imposed. The appeal must be within 21 calendar days of the date of the notification letter. If appealed, then the licence remains operational until the appeal is heard unless the original decision was on the grounds of public safety.

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Appendix A Knowledge Test Policy

An invigilator will be present during the test. If in their opinion the test has been conducted incorrectly, any results are void. The applicant may put questions to the invigilator before the test, but not during the test. The invigilator will not explain questions to the applicant during the test, as this could be considered giving that applicant an advantage. All questions will be provided in English only. No translators or interpreters are permitted during the test.

The applicant must not bring any equipment that may help them with the test, such as mobile phones and books. Possessions must be handed to the invigilator before the start of the test. No one may sit with the applicant during the test. There will be no discussion with anyone during the test period, with the exception of the invigilator regarding any technical issues such as equipment failure.

Anyone who is considered to be cheating at the discretion of the invigilator, whether this is proved to be correct or otherwise, will have their test cancelled, and waive their right to further attempts at the test, thus not permitting them to reapply for a licence for 12 months as mentioned above. Anyone who feels they have been treated unfairly during their examination, must make written representation to the Lead Specialist Environment at South Somerset District Council.

If the fire alarm goes off during a test, you should evacuate the building with the invigilator. You must remain with the invigilator at all times until the disruption is over. Where appropriate, you may need to make an appointment to retake the test at a future point.

Should you need to leave the test room during the test (e.g. to use the toilet), you must ask the invigilator. The invigilator may accompany the applicant to ensure that the test is conducted in accordance with test rules and policy.

If you feel unwell and/or too ill to continue the test, please tell the invigilator. Where appropriate, you may need to make an appointment to retake the test at a future point.

If you feel aggrieved by the results of your test or believe that the results of your test are incorrect, you should direct your concerns or enquires (in writing) to Lead Specialist Environment, South Somerset District Council, Council Offices, Brympton Way, Yeovil, Somerset BA20 2HT.

Cancellation of Test

Knowledge test fees are non-refundable and tests are not transferrable.

Appendix B Criminal and Motoring Convictions Policy

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Each case shall be considered on its own merits, and applicants/licensees will be given fair and impartial consideration of their application.

Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

This policy applies to existing licensed drivers and new applicants.

Crimes resulting in death

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

Exploitation

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

Offences involving violence

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

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

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, the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

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

Drugs

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

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 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.

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.

Motoring convictions

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.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 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.

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

Other motoring offences

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). Where an applicant has 7 or more points on their DVLA licence for 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.

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. 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.

Hackney carriage and 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 carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

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Appendix C Standard conditions for private hire drivers

- (a) You must ensure that one of your badges is worn on the upper half of the body and is clearly visible to the public at all times. The second issued badge must be displayed on the dashboard of the vehicle in the docudash provided
- (b) If a member of the public asks for your licence details, you must give them your name and badge number.
- (c) You must, so far as is reasonably practicable, ensure safety of and provide reasonable assistance to your passengers at all times, especially when entering and exiting the vehicle.
- (d) You must provide reasonable assistance to passenger(s) loading/unloading luggage and personal belongings from the vehicle.
- (e) You must not carry more passengers than stated on the vehicle plate and licence.
- (f) During a hiring, you may only carry fare-paying passengers (including luggage and personal property); trainee-driver's (who have been suitably authorised by South Somerset District Council); and guide/assistance dogs (which must be carried free of charge).
- (g) You must ensure that any certificates exempting you from the carriage of assistance dogs, the handling of heavy loads / wheelchairs / luggage etc are clearly displayed in the vehicle and where appropriate, made available to passengers on request.
- (h) You must be dressed in an appropriate, clean, presentable and safe manner at all times.
- (i) You must act in a polite, civil and orderly manner at all times.
- (j) Where reasonably practicable, you must attend bookings in a prompt and punctual manner.
- (k) You must check the vehicle regularly for personal belongings left behind by passengers and, where appropriate, return them immediately to the owner or to the local police station.
- (l) Where the fare is calculated by taximeter, you must ensure the journey is completed via the most direct/shortest route possible, with no prolongation, unless directed by or otherwise agreed with the passenger.
- (m) You must not ply for hire nor allow anyone to do this on your behalf.
- (n) You must provide a suitable receipt to passengers on request.
- (o) You must ensure that all seat belts fitted for the use of the passengers in the vehicle are in working order, available and accessible to passengers at all times.

- (p) Where the vehicle is fitted with a taximeter and where engaged, you must ensure that you do not start the taximeter until the commencement of the hiring of the vehicle.
- (q) You must ensure that any passenger carried in a wheelchair is secured by the use of appropriate anchorages.
- (r) You must obtain permission of the vehicle proprietor before driving any licensed private hire vehicle or otherwise allowing someone else to do so.
- (s) You must only carry out bookings taken by a private hire operator licensed by South Somerset District Council.
- (t) You must maintain a suitable policy of public liability insurance that adequately covers any damage, loss or injury to any third party (e.g. customers and other members of the public) or property that may arise during the course of your day to day private hire activities, to a minimum of £5million.
- (u) You must notify the Licensing Authority **within 48 hours** if you are subject to arrest, conviction, charge, release, caution, driving endorsement/disqualification or know of any cases pending against you (whether in the UK or abroad).
- (v) You must notify the Licensing Authority within **3 working days** if there is a change in your medical circumstances that may affect your fitness or ability to drive or carry out the duties of a private hire driver (including carriage of assistance dogs, the handling of heavy loads, wheelchair passengers, luggage etc).
- (w) You must notify the Licensing Authority of any change to your personal details including name, address and/or telephone number within **5 working days**.
- (x) You must notify the Licensing Authority of any changes to the licensed private hire operator that you are receiving bookings from, as soon as is reasonably practicable.
- (y) You must notify the Licensing Authority as soon as is reasonably practicable, and in any case within **3 working days**, of any accident, causing damage to the vehicle that affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers.
- (z) You must familiarise yourself with the law, conditions and other requirements applicable to the licensed vehicles you drive.

SOUTH SOMERSET DISTRICT COUNCIL

BYELAWS

With respect to

HACKNEY CARRIAGES IN THE DISTRICT OF
SOUTH
SOMERSET

SECTION 68

TOWN POLICE CLAUSES ACT 1847

SECTION 171

PUBLIC HEALTH ACT 1875

SOUTH SOMERSET DISTRICT COUNCIL

HACKNEY CARRIAGES

BYELAWS made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by South Somerset District Council with respect to hackney carriages in the district of South Somerset.

Interpretation

- 1 . Throughout these byelaws "the Council" means South Somerset District Council and "the district" means South Somerset.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- (b) A proprietor or driver of a hackney carriage shall: -
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall: -
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered; (e) cause the floor to be provided with a proper carpet, mat or other suitable covering; (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service; (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher (which conforms to the specification of the Licensing Authority) which shall be carried in such a position as to be readily available for use; and (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say :-
 - (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council; (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

5. The driver of a hackney carriage provided with a taximeter shall: -
 - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired: -
 - (a) proceed with reasonable speed to one of the stands appointed by the Council; (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it* station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and (d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage: -
- (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.
- (ii) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
15. The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: -
- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to a police station in the District and leave it in the custody of the officer in charge of the station on his giving a receipt for it; and

- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a fine not exceeding two pounds for each day during which the offence continues after conviction therefor

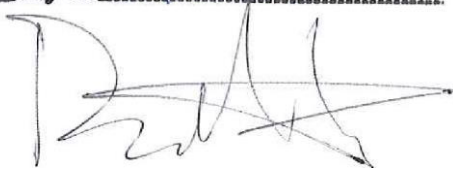
Repeal of Byelaws

19. The byelaws relating to hackney carriages which were made by South Somerset District Council on the 31st day of January 1986 and the 12th day of December 1986 and which were confirmed by the Secretary of State for Transport on the 21st day of April 1986 and the 23rd Day of February 1987 respectively are hereby repealed.

THE COMMON SEAL OF SOUTH SOMERSET DISTRICT COUNCIL was hereunto affixed this day of March 2006 in the presence of:


Democratic Services Manager



The foregoing byelaws hereby confirmed by the
17 day of September

Secretary of State and shall come into force on the
200.....
Signed by authority of the **Secretary of State.**

Appendix E Requirements for Hackney Carriage and Private Hire Vehicles

Vehicle Specifications and requirements

All vehicles must be right-hand drive, but vehicles which are exclusively manufactured as left hand drive vehicles are permitted.

All saloons, estates or purpose-built taxi vehicles shall have at least 4 side-opening doors, which may be opened from the inside and the outside.

Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors (current licensed vehicles are exempt from this requirement)

The Licensed vehicle must comply in all respects with:

- (a) Road Vehicles (Construction and Use) Regulations 1986
- (a) The requirements of the Motor Vehicle (Type Approval) Regulations 1980;
- (b) Motor Vehicle (Type Approval) (Great Britain) Regulations 1984

In addition, the licensed vehicle must comply in all respects with British and European vehicle regulations and be "type approved" to the requirements of the M1 or M1 (low volume) category of the European Whole Type Approval Directive 70/156/EEC, as amended.

Imported vehicles that cannot meet the requirements of 2 above will need to have been approved under the Individual Vehicle Approval Scheme (IVA) verifying that the vehicle is built to certain safety and environmental standards and has the appropriate documentation confirming this.

If the vehicle has been converted to run on liquefied petroleum gas (LPG) then a certificate issued by a member of the LPG Association will be required by the Licensing Authority to confirm satisfactory installation, examination and testing of the vehicle has been carried out in accordance with the LPG Associations Code of Practice.

Requirements for Minibus and MPV Style Vehicles

In respect of Minibus and MPV style vehicles with effect from the commencement of this policy.

- 1) A minimum of three doors to the passenger accommodation shall be provided.
- 2) Have proper signs on how to lift the second row of seats. The sign should be clearly visible to any persons seated in the rearmost seats providing customers with instructions on the operating mechanisms for the seat that may be required to be tipped/moved forward in order to gain access/egress from the vehicle.
- 3) The operating levers to be coloured yellow/orange so that they are easily identifiable. They can be coloured by using the appropriate colour tape. Tape should remain damage free at all times and replaced when worn. These colours comply with national health and safety standards.
- 4) Have well positioned exit window signs (where appropriate).
- 5) Have an internal device for the rear hatch door to be opened from the inside. This can be by way of an emergency 'quick release' button which can be fitted to the rear hatch door which can be operated by passengers in order to allow access/egress in the event of an accident and one of the side passenger doors being inaccessible.
- 6) Points 1 to 5 do not apply to vehicles currently licenced at the commencement of this policy. They will be exempt for the life of their licence. Vehicles with conference style seating, or purpose built wheelchair accessible vehicles are however still required to ensure that passengers have unobstructed entry and exit from the rear row of seating, and no one should have to remove or dismantle a seat or obstacle, or climb over anyone or anything to access them.
- 7) Vehicles licenced prior to the commencement of this policy should retain their existing seat configuration. If operators wish to change the seat configuration of the vehicle (e.g. installing seats previously removed), this will bring the vehicle in line with the new policy, and will have to comply with points 1 to 5 above.
- 8) All vehicles that are licenced by South Somerset District Council for the first time (or a vehicle that is re-licenced after a break) after the commencement of this policy, must comply with points 1-5. This also applies to hire company or insurance vehicles operated by the proprietor while their vehicle is undergoing repair.

Accessibility

In the case of all Hackney vehicles, which are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side or rear of the vehicle.

Where a vehicle is utilised for the Carriage of passengers in a wheelchair, the following conditions shall apply:

- (a) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.

- (b) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
- (c) A suitable restraint must be available for the occupant of a wheelchair.
- (d) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- (e) Ramps and lifts must be securely stored in the vehicle before it may move off.

Any equipment fitted to the vehicle for lifting a wheelchair into the vehicle must comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order, tested at the required intervals and be available for use at all times.

The Equality Act 2010 seeks to place duties on drivers of wheelchair accessible vehicles. The duties will apply to the driver of any wheelchair accessible vehicle which is on the Authority's list of "Designated Vehicles".

The duties are as follows:

- to carry the passenger whilst in a wheelchair not to make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat, to have capacity to carry the wheelchair also to take such steps as are necessary to ensure that the passenger is carried in safe and reasonable comfort;
- and to give the passenger such mobility assistance, as is reasonably required. the driver must also offer to load the passenger's luggage into and out of the vehicle.

A vehicle should only be included in the Council's list if it would be possible for the user of a wheelchair to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

Trailers

Trailers may be used subject to the following requirements:

- (a) Trailers can only be used in connection with Private Hire bookings and cannot be used for plying for Hire on a rank;
- (b) The trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;
- (c) The vehicle insurance must include cover for towing a trailer;
- (d) Trailers must not be left unattended anywhere on the highway;
- (e) The speed restrictions applicable to trailers must be observed at all times;
- (f) A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

Appendix F Standard conditions for hackney carriage vehicles

(a) You must ensure that the vehicle, including fittings and equipment, is well maintained, in good working order and kept clean at all times.

(b) You must submit a Lufton pass certificate for the vehicle on the vehicle that is undertaken and dated between the dates specified below:

(i) Between [DATE] and [DATE]

(c) You must ensure that wheelchair anchorages and ramps are kept in the vehicle and are maintained in good working order at all times.

(d) You must ensure no more passengers than the number displayed on the licence plate are carried in the vehicle at any one time.

(e) You must ensure that any material which is required by law, or on condition of your licence does not obscure visibility through any window, mirror, or the bulkhead.

(f) You must ensure that no advertising, or any other material is displayed on any window, mirror or bulkhead, other than that which is required by law or on condition of licence.

(g) Nothing shall be displayed on or in the vehicle advertising tobacco products, alcohol, contraceptives, sex shops, sex articles or sex-related products or services, gambling activities including betting, gaming and amusements (with or without prizes) or otherwise contain nudity. Furthermore no advertisement shall be displayed in relation to race, religion or anything that may reasonably be considered to be offensive. All advertising shall comply with the relevant code of advertising standards as issued by Advertising Standards Authority.

(h) You must ensure that the licence plate is securely fixed to the rear of the vehicle, clearly visible, and maintained in good condition at all times.

(i) You must ensure that at all times the interior licence plate is clearly visible to all passengers travelling in the vehicle.

(j) You must ensure that a "TAXI" rooflight is fitted to the vehicle. The rooflight must be illuminated when available for hire and turned off when not available for hire and when travelling outside the district of South Somerset.

(k) You must ensure that the vehicle is securely fitted with a suitable taximeter in a position that is clearly visible to passengers at all times. The taximeter must comply with the extant Measuring Instruments Directive.

(l) You must ensure that the taximeter is programmed in accordance with the current scheme of fares set by South Somerset District Council.

(m) Taximeter settings shall only be accessed, adjusted and/or (re)calibrated by an accredited taximeter agent.

(n) You must ensure that the official current tariff chart issued by South Somerset District Council is available is clearly visible to passengers at all times.

(o) You must ensure that the vehicle is only driven by hackney carriage drivers licensed by South Somerset District Council at any time. This includes when the vehicle is not being used as a taxi.

(p) You must ensure that the vehicle complies with the council's vehicle specification at all times and is maintained in accordance with the vehicle type approval.

(q) You must notify the Licensing Authority as soon as is reasonably practicable, and in any case within **3 working days**, of any accident, causing damage to the vehicle that affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers.

(r) You must keep a copy of the paper part of the hackney carriage driver's licence of any driver you permit or employ to drive the vehicle.

(s) You must ensure that a suitable certificate of insurance is provided to the Licensing Authority for each driver of your vehicle and ensure that it is suitably maintained.

(t) **You must ensure that the vehicle has a current MOT certificate and that a copy is provided to the Licensing Authority, or you inform the Licensing Authority when the MOT has been carried out (vehicles over one year old).**

(u) You must keep a written record of the dates and times that each driver is using your vehicle. This information must be provided to the Licensing Authority or police on request.

(v) You must ensure that the Licensing Authority is notified of any changes to those driving your vehicle prior to them taking effect.

(w) You must notify the Licensing Authority of any change of details of any person with a financial interest in the vehicle and ensure the vehicle licence is suitably updated as soon as is reasonably practicable.

(x) You must notify the Licensing Authority of any change to your personal details including name, address and/or telephone number and ensure the vehicle licence is suitably updated as soon as is reasonably practicable but no later than **5 working days** after the change takes place..

(y) The transfer of the vehicle to a new proprietor must be notified to the Licensing Authority in the prescribed form within **5 working days**.

(z) You must ensure that all licence documents for the vehicle are maintained and up-to-date at all times.

(aa) You must notify the Licensing Authority if you no longer wish to hold the vehicle licence and you must, as soon as is reasonably practicable, ensure the internal and external licence plates are returned to South Somerset District Council or their agents.

(bb) You must ensure that the vehicle is fitted with a fire extinguisher to the following standards

- Of an approved type manufactured to BS-EN3
- A minimum 1KG of powder
- Securely mounted with a bracket
- Annually serviced to BS-5306-3 standards
- A 12 month certificate of conformity from the date of service
- A service record and an anti-tamper bag
- If not visible, a label must be displayed giving its location
- Include the registration number of the vehicle to which it is fitted.

(cc) You must ensure that a first aid kit is carried in the vehicle.

(dd) You must make all named drivers of the vehicle aware of the conditions of this licence by a mechanism in writing.

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Appendix G Standard conditions for private hire vehicles

- (a) You must ensure that the vehicle, including fittings and equipment, is well maintained, in good working order and kept clean at all times.
- (b) You must submit a new a suitable Lufton test certificate for the vehicle that is undertaken and dated between the dates specified below:
 - (i) Between [DATE] and [DATE]
- (c) You must ensure no more passengers than the number displayed on the licence plate are carried in the vehicle at any one time.
- (d) You must ensure that (where appropriate) wheelchair anchorages and ramps are kept in the vehicle and are maintained in good working order at all times, unless subject to our written exemption.
- (e) You must ensure that the licence plate is securely fixed to the rear of the vehicle, clearly visible, and maintained in good condition at all times.
- (f) You must ensure that at all times the interior licence plate is clearly visible to all passengers travelling in the vehicle.
- (g) You must ensure that the prescribed sign of specified design, size and shape stating 'pre-booked only' is displayed on an external door panel on each side of the vehicle.
- (h) You must ensure that no rooflight (or similar) is fitted to the vehicle.
- (i) You must ensure that no advertising is displayed on or within the vehicle.
- (j) You must ensure that the vehicle is only driven by private hire drivers licensed by South Somerset District Council at any time. This includes when the vehicle is not being used for hire and reward purposes.
- (k) You must ensure that this vehicle is used only for bookings taken by a private hire operator licensed by South Somerset District Council.
- (l) You must ensure that the vehicle complies with the council's vehicle specification at all times and is maintained in accordance with the vehicle type approval.
- (m) You must notify the Licensing Authority as soon as is reasonably practicable, and in any case within **3 working days**, of any accident, causing damage to the vehicle that affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers.
- (n) You must keep a copy of the paper part of the private hire driver's licence of any driver you permit or employ to drive the vehicle.
- (o) You must ensure that a suitable certificate of insurance is provided to the Licensing Authority for each driver of your vehicle and ensure that it is suitably maintained.

(p) You must ensure that the vehicle has a current MOT certificate and that a copy is provided to the Licensing Authority, or you inform the Licensing Authority when the MOT has been carried out (vehicles over one year old).

(q) You must ensure that the Licensing Authority is notified of any changes to those driving your vehicle prior to them taking effect.

(r) You must keep a written record of the dates and times that each driver is using your vehicle. This information must be provided to the Licensing Authority or police on request.

(s) You must notify the Licensing Authority of any change of details of any person with a financial interest in the vehicle and ensure the vehicle licence is suitably updated as soon as is reasonably practicable.

(t) You must notify the Licensing Authority of any change to your personal details including name, address and/or telephone number and ensure the vehicle licence is suitably updated as soon as is reasonably practicable.

(u) The transfer of the vehicle to a new proprietor must be notified to the Licensing Authority in the prescribed form within **5 working days**.

(v) You must ensure that all licence documents for the vehicle, are maintained and up-to-date at all times.

(x) You must notify the Licensing Authority if you no longer wish to hold the vehicle licence and you must, as soon as is reasonably practicable, ensure the internal, external and side plates (where appropriate) are returned to South Somerset District Council.

(y) You must ensure that the vehicle is fitted with a fire extinguisher to the following standards

- Of an approved type manufactured to BS-EN3
- A minimum 1KG of powder
- Securely mounted with a bracket
- Annually serviced to BS-5306-3 standards
- A 12 month certificate of conformity from the date of service
- A service record and an anti-tamper bag
- If not visible, a label must be displayed giving its location
- Include the registration number of the vehicle to which it is fitted.

(z) You must ensure that a first aid kit is carried in the vehicle.

(aa) You must make all named drivers of the vehicle aware of the conditions of this licence by a mechanism in writing.

Appendix H CCTV systems

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so

Footage to be made available to police and licensing officers upon request. The subject of the footage is also entitled to view it.

The licensed proprietor/owner of the vehicle will have responsibility for the control and security of the images recorded on any system. They will be responsible for notifying the Information Commissioner's Office that they are the data controller, not the Licensing Authority.

Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

Appendix I Private Hire Operator Conditions

Standard conditions for private hire operators

- (a) All bookings must be carried out by a vehicle and driver that are licensed by South Somerset District Council.
- (b) Bookings may only be sub-contracted between operators licensed by South Somerset District Council.
- (c) You must retain a copy of the private hire vehicle licence of any vehicles operated by you.
- (d) You must keep a copy of the paper part of the private hire driver's licence of any driver you permit or employ to drive for you.
- (e) You must ensure that no person employed by you shall solicit, call out, or do anything else, which may lead anyone to believe that any licensed private hire vehicle is a licensed hackney carriage.
- (f) You shall not allow any private hire vehicle operated by you to stand or ply for hire.
- (g) Before any hiring commences, you must record and keep the following records which collectively are uniquely and consecutively numbered; namely -
 - (i) the name of the hirer (i.e. the customer);
 - (ii) the pick-up point;
 - (iii) the destination;
 - (iv) the date and time the private hire vehicle is required;
 - (v) the date and time that the booking was made;
 - (vi) the fare quoted for the journey;
 - (vii) whether the booking is a sub-contracted booking from another operator and/or is to be sub-contracted to another operator. **In the event that the booking is sub-contracted it shall be evidenced that the operator has comparable policies in place to protect children and vulnerable adults;**
 - (viii) the name and address of any operator to which the booking may be sub-contracted;
 - (ix) how the booking was made (e.g. telephone, on-line etc);
 - (x) the name of the licensed driver undertaking the hiring and the Council licence plate number of the vehicle used;

(xi) the name of the person making the record.

(h) You must provide access to the licensed premises at any reasonable time and produce for inspection any relevant records to the Licensing Authority or police on request.

(i) As soon as is reasonably practicable, you must notify the Licensing Authority of any change –

(i) in company personnel (including company secretary, directors and/or partners in the business or similar);

(ii) to the garaging arrangements of vehicles;

(iii) to the vehicles you are operating;

(iv) to the drivers carrying out bookings taken by you; and

(v) to the personal details of any company personnel including name, address and/or telephone number.

(j) You must notify the Licensing Authority within **48 hours** if you or any company personnel (including company secretary, directors and/or partners in the business or similar) are subject to arrest, conviction, charge, caution, driving endorsement/disqualification or know of any cases pending against you (whether in the UK or abroad).

(k) A register of all staff responsible for taking bookings and dispatching vehicles shall be kept and updated each time a member of staff leaves or starts work for the operator.

(l) The Private Hire Operator shall ensure that each member of staff responsible for taking bookings and dispatching vehicles has a basic DBS check and has had sight of the results of the check.

(m) The Private Hire Operator shall have a policy on the recruitment of ex-offenders in roles which involve the booking and dispatch of vehicles and that staff are recruited in accordance with this policy.

(n) In the event that bookings are sub-contracted, the licence holder shall ensure or put measures in place to ensure that the Operator the bookings are being sub-contracted to have policies in

(o) A Public Service Vehicle such as a minibus shall not be used without the informed consent of the person making the booking.

(p) The licence holder must provide an annual basic disclosure and this shall be provided no later than 3 months after the date of issue of the disclosure certificate.

Appendix J Exemption from requirement to display Vehicle Identification.

1. The aim is to ensure public safety whilst taking a balanced approach to licensing requirements. The objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates.

2. Introduction

2.1 The displaying of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety. The visible licence number of the vehicle and driver affords members of the public and other persons such as the Police traceability via the local Licensing Authority.

2.2 The Local Government (Miscellaneous Provisions) Act 1976 requires that Private Hire vehicles display an identification plate and drivers of those vehicles wear a driver's badge. The same legislation also allows South Somerset District Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a Private Hire Driver badge.

3. Details

3.1 Exemptions from displaying identification plates may be granted in respect of individual vehicles only and based upon evidence based need. Applications for exemptions relating to a fleet of vehicles will not be allowed.

3.2 Each application will be assessed on its own merit.

3.3 Applications for exemption from the requirement to display identification plates may be considered where the following requirements are met;

a) Vehicles must be of a standard of comfort and equipped to a level higher than that of a 'standard' Private Hire Vehicle. It is not intended to form a prescriptive list of acceptable vehicles because this may be subjective and require frequent update.

Relevant considerations as to whether a vehicle meets this standard include but are not limited to cost, reputation, specification, appearance, perception, superior comfort levels and seating specification i.e. whether the vehicle offers additional space per passenger opposed to standard vehicles.

b) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating. Interior seating will usually be leather and the cabin air conditioned to maintain passenger comfort.

c) The type of work undertaken is 'executive' in nature. There must be a demonstrable need for an exemption to apply rather than a one-off contract. The type of work that may be considered 'executive' may include:

- Corporate bookings to transport employees and clients on business related journeys
- Other journeys where the client specifically requires a vehicle without any Private Hire plates or signage on it at the time of booking
- Bookings for clients (for example politicians and celebrities) who for security or personal safety reasons would not want the vehicle to be identifiable as a Private Hire vehicle.
- The percentage of 'executive' work undertaken by the vehicle must constitute at least 75% of the total work carried out by the vehicle.
- An application to renew an exemption from the display of identity plates must be accompanied by a copy (preferable electronic) of the relevant Private Hire Operator records to evidence the nature of the work carried out over the previous licence period.
- Operator records must also detail evidence of contracts with clients which require vehicles supplied to be exempt from the display of identity plates.
- A dress code commensurate with executive work is required. Applicants to provide details of the dress code (suit/jacket or equivalent) which the operator(s) for whom they work require them to adhere to. Dress code must be followed at all times the vehicle is being used to undertake a booking relating to executive work.

3.4 Where a proprietor wishes to make an application for a vehicle to be exempt from displaying identification plates they will be required to complete the appropriate application form. The application form will be accompanied by documentation that supports the application and the appropriate fee shown in the published tariff.

3.5 A notice of exemption from displaying identification plates will be granted at the Council's discretion. The applicant must provide sufficient documentary evidence to support their application. Such evidence may include:

a) A letter from each customer indicating:

i) Why they require a vehicle which does not display an identity plate,

b) A letter from the Private Hire Operator for who work is undertaken stating the vehicle registration number of the vehicle to which this application relates and detailing the work that will be carried out and the percentage of the work to be carried out.

c) Copies of written contracts with customers.

d) Copies of invoices

- 3.6 The Council may require applicants to provide any additional documentation as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.
- 3.7 Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will issued as soon as practical after the decision is made.
- 3.8 Where a vehicle is exempted from the requirement to display an external identification plate the vehicle will NOT be exempted from the need to display the internal plate.
- 3.9 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicles current Private Hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period that is the same as that vehicle's Private Hire licence unless either the licence or notice is otherwise surrendered or revoked.
- 3.10 Exemption notices may be renewed annually. An application to renew the exemption must be accompany the vehicle renewal application form.
- 3.11 The Authority to determine any application for an exemption notice is by virtue of this Policy delegated to the Lead Specialist Environment.
- 3.12 Other than where to do so would conflict with the requirements of this Policy, all vehicles granted an exemption notice must, in addition to the requirements of this Policy, comply with the requirements for Private Hire vehicles contained within the Private Hire Vehicle licence conditions.
- 3.13 The below conditions apply to all Private Hire Vehicles granted an exemption from displaying identification plates and are in addition to the criteria and general conditions applicable to all Private Hire Vehicles;
- a) The valid Private Hire Vehicle plates issued to the licence holder shall be kept within the vehicle at all times and shall be produced for inspection by an authorised officer of South Somerset District Council or a Police Officer upon request.
 - b) The exemption notice shall be retained within the vehicle at all times and shall be produced for inspection by an authorised officer of South Somerset District Council or a Police Officer upon request.
 - c) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
 - d) The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a Private Hire vehicle.
 - e) During the period of the exemption notice, the driver shall not be required to wear a Private Hire Driver's identification badge but will have it available for

immediate inspection by an authorised officer of South Somerset District Council or any Police Officer on request.

g) Failure to comply with the above terms will invalidate the exemption granted with immediate effect.

h) These terms shall remain valid for the term of the notification unless replaced by a different scheme or system of identification.

i) The exemption will cease to have effect on selling or transferring the vehicle to another party. The exemption notice must be returned to the Council along with the Private Hire vehicle identification plates unless being sold to for use as a Private Hire Vehicle in South Somerset District Council ; in which case, only the exemption notice must be returned.

j) A taximeter will not be installed in the vehicle.

k) During the period of exemption, the driver is required to comply with the dress code previously supplied to the Council.

l) The proprietor shall notify the Council of any change in the use of the vehicle by the end of the following working day.

3.14 The below conditions apply to all Private Hire Operators who operate vehicles to which an exemption from display of plates has been granted. These conditions are in addition to the general conditions applicable to all Private Hire Operators;

a) Bookings taken in respect of clients who require vehicles exempt from the display of plates must be paid for on account. No payment can be made to the driver of the vehicle at time of hiring.

b) Bookings in respect of clients who on occasion require vehicles exempt from the display of plates must be subdivided into to those which;

i) Require vehicle to be exempt from display of plates

ii) Do not require vehicles exempt from the display of plates

Copies of records detailing the division of work to be kept for 12 months from period of Hire and must be provided to the Council on request.

c) Copies of contracts with clients who require vehicles exempt from the display of plates must be kept for 12 months from date of commencement and provided to the Council on request.

d) Dress code commensurate with executive work (suit/jacket or equivalent) to be in place in relation to bookings taken for vehicles exempt from the display of plates. Drivers of such vehicles to be required by the operator to comply with the dress code during the Hire period.

Appendix K Penalty Points Policy

1. The details of how the scheme will be operated are as follows:
 - 1.1 The Licensing Authority's Taxi Licensing and Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
 - 1.2 Where it is decided that the use of the Penalty Points Scheme is appropriate, the points will be issued in accordance with this appendix. **The first time points are issued to an individual for a particular matter, half of the maximum points are usually given.**
 - 1.3 The imposition of penalty points against a driver who is an employee will not necessarily result in the additional imposition of points to his/her employer or operator. However the Licensing Authority will issue penalty points to drivers, proprietors, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.
 - 1.4 Points issued to a proprietor, operator or driver will be confirmed in writing within three weeks of the completion of enquiries into the contravention or upon discovery of breach.
 - 1.5 When issued, the penalty points will remain "live" for a period of one year from the date they are imposed so that only points accumulated in a rolling 12 months period will be taken into account.
 - 1.6 There is no financial penalty associated with the Penalty Point Scheme, and the licensee may continue to work. However, the licensee may be asked to appear before the **Licensing Sub Committee** where 12 or more penalty points are imposed on an individual licence in any one 12 month rolling period, where appropriate action will be taken in accordance with this policy.
 - 1.7 Where a driver, proprietor or operator attains 12 penalty points, disciplinary options available to the Licensing Authority will include suspension or revocation of the driver's licence.
 - 1.8 If it is felt that the matter does not warrant suspension or revocation of the licence, a written warning may be issued to the driver as to his future conduct.

- 1.9 Periods of suspension of a licence will be dependent on the nature of the breach of legislation or the requirements of this Policy and the compliance history of the licence holder.
- 1.10 A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he deems necessary.
- 1.11 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. In most cases a suspension will be subject to a 21 day appeal period starting on the date of the suspension notice to allow for the formal appeal process. There might be occasions where immediate suspension is required e.g. danger to the public.
- 1.12 The Penalty Points Scheme will operate without prejudice to Licensing Authority's ability to take other action under appropriate legislation or as provided for by this policy.
- 1.13 The Penalty Points Scheme outlined below identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven.

2. Penalty Points Tariff

2.1 Legislative offences and penalties:

Two statutes principally create offences relating to hackney carriages and private hire vehicles –

- i) Town Police Clauses Act 1847
- ii) Local Government (Miscellaneous Provisions) Act 1976

2.2 The offences are set out below under the relevant statute:

Any subsequent amendments to the legislation will supersede the tables below and this appendix may be amended to reflect the revised legislation by way of an addendum to this policy.

Town and Police Clauses Act 1847

List No.	Section	Offence	Max Penalty Points	Operator	Proprietor	Driver
1	40	Giving false information on a hackney carriage licence application.	12		<input type="checkbox"/>	<input type="checkbox"/>
2	44	Failure to notify change of address on a hackney carriage licence.	6		<input type="checkbox"/>	<input type="checkbox"/>
3	45	Plying for hire without a hackney carriage licence.	prosecute	-	-	-
4	47	Driving a hackney carriage without a hackney carriage driver's licence.	prosecute	-	-	-
5	47	Lending or parting with a hackney carriage driver's licence.	12			<input type="checkbox"/>
6	47	Hackney carriage proprietor permitting or employing an unlicensed driver to drive a hackney carriage vehicle.	12 or prosecute		<input type="checkbox"/>	<input type="checkbox"/>
7	48	Failure of a proprietor to retain in his/her possession copies of any hackney carriage driver's licence that permits them to drive their vehicle.	6		<input type="checkbox"/>	
8	48	Failure of a proprietor to produce on request by an authorised officer any hackney carriage driver's licence for whom he has permitted to drive his/her vehicle.	6		<input type="checkbox"/>	
9	52	Failure to display a hackney carriage plate.	12			<input type="checkbox"/>
10	53	Refusal to take a fare without a reasonable excuse.	8			<input type="checkbox"/>
11	54/55	Charging more than the agreed/legal fare.	12			<input type="checkbox"/>
12	56	Travelling less than the lawful distance for an agreed fare.	12			<input type="checkbox"/>
13	57	Failure to wait after a deposit to wait has been paid.	12			<input type="checkbox"/>
14	59	Carrying persons other than with the consent of the hirer.	12			<input type="checkbox"/>
15	60	Driving/allowing a hackney carriage without the proprietor's consent.	12			<input type="checkbox"/>
16	62	Driver leaving a hackney carriage unattended on a rank	12			<input type="checkbox"/>
17	64	Hackney carriage driver obstructing other hackney carriages.	12			<input type="checkbox"/>

List No.	Section	Offence	Max Penalty Points	Operator	Proprietor	Driver

Local Government (Miscellaneous Provisions) Act 1976						
List No.	Section	Offence	Max Penalty Points	Operator	Proprietor	Driver
1	46 (1)(A)	A licensed driver using an unlicensed vehicle for private hire purposes.	12			<input type="checkbox"/>
1	46 (1)(b)	Driving a private hire vehicle without a private hire driver's licence.	prosecute	-	-	-
2	46 (1)(c)	Proprietor of a private hire vehicle permitting or employing an unlicensed driver to drive a private hire vehicle.	12		<input type="checkbox"/>	
2	46 (1)(d)	Operating a private hire vehicle without a private hire operators' licence.	prosecute	-	-	-
2	46 (1)(e)	Operating an unlicensed vehicle as a private hire vehicle.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	46 (1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	48 (6)	Failure to display a private hire vehicle plate.	12		<input type="checkbox"/>	<input type="checkbox"/>
2	49	Failure to notify the transfer of a vehicle licence.	6		<input type="checkbox"/>	
2	50 (1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request.	12		<input type="checkbox"/>	<input type="checkbox"/>
2	50 (2)	Failure to inform the Licensing Authority where a hackney carriage or private hire vehicle is stored, if requested.	6		<input type="checkbox"/>	
2	50 (3)	Failure to report an accident to the Licensing Authority within seventy two hours.	12		<input type="checkbox"/>	<input type="checkbox"/>

2	50 (4)	Failure to produce the vehicle and/or insurance upon request.	6		<input type="checkbox"/>	<input type="checkbox"/>
3	53 (3)	Failure to produce a driver's licence upon request.	12			<input type="checkbox"/>
3	54 (2)	Failure to wear a private hire driver's/hackney carriage driver's badge.	12			<input type="checkbox"/>
3	56 (2)	Failure of a private hire operator to keep proper records of all bookings, driver and vehicle licences or failure to produce them upon request of an authorised officer of the Licensing Authority or a police officer within reasonable time / or time specified.	12	<input type="checkbox"/>		
3	56 (4)	Failure of a private hire operator to produce his licence upon request.	6	<input type="checkbox"/>		
3	57	Making a false statement or withholding information to obtain a hackney carriage private hire driver's licence.	12			<input type="checkbox"/>
3	58 (2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence.	12		<input type="checkbox"/>	
3	61 (2)	Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew.	12 or prosecute	-	-	-
3	64	Permitting a private hire vehicle to wait on a hackney carriage rank.	12			<input type="checkbox"/>
3	69	Unnecessarily prolonging a journey.	12			<input type="checkbox"/>
3	73 (1)(a)	Obstruction of an authorised officer of the Licensing Authority or a police officer.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	73 (1)(b)	Failure to comply with a requirement of an authorised officer of the Licensing Authority or a police officer.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	73 (1)(c)	Failure to give information or assistance to an authorised officer of the Licensing Authority or police officer.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LICENSING AUTHORITY POLICY						
List	Section	Offence	Max Penalty Points	Operator	Proprietor	Driver

No						
4	N/A	Failure to adhere to the Code of Good Conduct for Licensed Drivers where not mentioned below.	6			<input type="checkbox"/>
4	N/A	Failure to ensure the safety of passengers.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	N/A	Concealing or defacing a vehicle licence plate.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	N/A	Failure to attend on time for a pre-arranged Appointment at the request of the Licensing Authority for interview without reasonable cause.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	N/A	Conveying a greater number of passengers than permitted.	12			<input type="checkbox"/>
4	N/A	Failure to give reasonable assistance with passenger's luggage.	3			<input type="checkbox"/>
4	N/A	Private hire soliciting for hire or accepting a fare that is not pre-booked.	6			<input type="checkbox"/>
4	N/A	Operating/using a vehicle that is not clean and tidy internally or externally.	3		<input type="checkbox"/>	<input type="checkbox"/>
5	N/A	Operating/using a vehicle that is not in a safe condition internally or externally.	12		<input type="checkbox"/>	<input type="checkbox"/>
5	N/A	Driving without the consent of the proprietor.	12			<input type="checkbox"/>
5	N/A	Drinking or eating in the vehicle whilst carrying passengers.	6			<input type="checkbox"/>
5	N/A	Smoking or using e-cigarettes or vape in the vehicle at any time.	12			<input type="checkbox"/>
5	N/A	Causing excessive noise from any radio or sound-reproducing equipment.	4			<input type="checkbox"/>
5	N/A	Sounding the horn to signal that the vehicle has arrived. disturbing residents	6			<input type="checkbox"/>
5	N/A	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand.	12			<input type="checkbox"/>
5	N/A	Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that is plying for hire.	12			<input type="checkbox"/>
5	N/A	Using a non-hands free mobile telephone whilst driving.	12			<input type="checkbox"/>
5	N/A	Failure to advise of a medical condition.	12			<input type="checkbox"/>

6	N/A	Failure to provide a receipt for a fare when requested.	6			<input type="checkbox"/>
6	N/A	Failure to operate the meter from the commencement of the journey	12			<input type="checkbox"/>
6	N/A	Failure to notify the Licensing Authority of relevant change to licence details within the time specified in the associated licence conditions.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	N/A	Failure to produce a hackney carriage or private hire licence (driver or vehicle) upon request.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	N/A	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment.	4			<input type="checkbox"/>
6	N/A	Failure of a licence holder to disclose convictions/caution within seven days of conviction/caution.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	N/A	Carrying any animal other than a guide, hearing or other prescribed assistance dog or those owned by bone-fide fare paying passengers.	6			<input type="checkbox"/>
6	N/A	Failure to search a vehicle after a journey or failure to take found property to the police within forty eight hours of finding.	12			<input type="checkbox"/>
6	N/A	Failure to comply with requirements for the safe carrying of a wheelchair	12		<input type="checkbox"/>	<input type="checkbox"/>
6	N/A	Operating a vehicle that does not comply with the Licensing Authority's licensing policy or relevant legislation where such a breach of policy/legislation is not otherwise specified herein.	12		<input type="checkbox"/>	<input type="checkbox"/>
7	N/A	Failure to carry an approved fire extinguisher.	6		<input type="checkbox"/>	<input type="checkbox"/>
7	N/A	Failure to carry a first aid kit for personal use that has been approved by the Licensing Authority.	6		<input type="checkbox"/>	<input type="checkbox"/>
7	N/A	Modifying a licensed vehicle without the consent of the Licensing Authority.	12		<input type="checkbox"/>	<input type="checkbox"/>
7	N/A	Affixing or displaying a roof sign on a private hire vehicle.	12		<input type="checkbox"/>	<input type="checkbox"/>
7	N/A	Using a taxi-meter that does not conform to Licensing Authority requirements.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7	N/A	Driving with no insurance or inadequate insurance for the vehicle.	12 or prosecute	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	N/A	Permitting the vehicle to be used for any illegal or immoral purposes.	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	N/A	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times.	6	<input type="checkbox"/>		
7	N/A	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access.	6	<input type="checkbox"/>		
7	N/A	Failure to comply with any licensing condition (vehicle or driver)	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		Verbal aggression / Abuse of council employees / public while on duty	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		Failure to prepare vehicle for pre-booked inspection (Lufton test).	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		Failure to attend a pre-booked vehicle inspection without giving 24 hours notice of cancellation.	12	<input type="checkbox"/>	<input type="checkbox"/>	

Where a breach is proven that is a combination of any of the above offences, the option to allocate points for **each** of the offences can be utilised by any authorised licensing officer.



Appointment of Chairmen for Licensing Sub Committees

Strategic Director: Nicola Hix, Director – Support Services and Strategy
Lead Specialist: Angela Cox, Specialist Democratic Services
Lead Officer: Jo Morris, Case Officer – Strategy and Commissioning
Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of Chairmen for Licensing Sub Committees.

Please could members make every effort to make themselves available for Licensing Sub Committee hearings.

Recommendation

That Licensing Committee recommend that the Chief Executive appoint up to five members in addition to the Chairman and Vice-Chairman of the Licensing Committee as Licensing Sub Committee Chairmen.

Background

The Licensing Sub-Committee is made up of three members from the Licensing Committee. The Licensing Committee has been established under the Licensing Act 2003, with the power to hear and determine all applications referred to it under the SSDC Statement of Licensing Policy. The Sub-Committee also considers taxi driver applications, which need to be referred to members due to the nature of the application.

The following members were appointed as Licensing Sub Committee Chairmen in June 2019: Councillors Jason Baker, Tony Lock, Crispin Raikes, Wes Read, David Recardo, Linda Vijeh and Martin Wale.

Financial Implications

All Chairmen of the Licensing Sub Committee receive an allowance of £369 per annum. There is sufficient capacity within the Members Special Responsibility budget to appoint up to five Licensing Sub Committee Chairmen in addition to the Chairman and Vice-Chairman of the Licensing Committee.

Background Papers

None



Exclusion of the Press and Public

The Committee is asked to agree that the following item (Agenda Item 8) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 1: "Information relating to any individual for, or recipient or form recipient of any service provided by the authority." It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

Agenda Item 8

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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