

Hackney Carriage and Private Hire Licensing Statement

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Related Documents	
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Town Police Clauses Act 1847	
Local Government (Miscellaneous Provisions) Act 2976 (as amended)	
Rehabilitation of Offenders Act 1976	
Transport Act 1985	
DfT Best Practice Guidance	www.gov.uk
Road Safety Act 2006	
Deregulation Act 2015	
Immigration Act 2016	

If you have any further questions about this licensing statement or for further information, including applications forms and guidance, please contact:

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Introduction

This Hackney Carriage and Private Hire Licensing Statement has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 which places a duty on Slough Borough Council to carry out licensing functions in respect of hackney carriage and private hire vehicle, drivers and operators, as well as all current approved policies relating to hackney carriage and private hire licensing.

In carrying out these licensing functions, the Council will have regard to this licensing statement document. If the Council departs from this licensing statement, clear reasons will be given for doing so.

This licensing statement shall be kept under review and revised as necessary. The Head of Consumer Protection & Business Compliance is authorised to make minor amendments to the statement. In addition, amendments to this statement may be authorised without consultation by the Council.

The role of the Council

Objectives

- the protection of the public
- the maintenance of a professional and respected hackney carriage and private hire trade
- access to an efficient and effective local transport service
- the protection of our local environment

The Council will aim to achieve these objectives by;

- having a robust application process for new applicants and renewal applications that ensures high standards and that the 'fit and proper' test is met
- setting high standards for licensed vehicles
- having policies and procedures in place for the mechanical inspection of licensed vehicles
- encouraging and promoting the use of low emission vehicles
- enforcement activities, including the routine inspection of documents and vehicles, inspections of operating bases and multi-agency checks.
- working in partnership with a variety of other agencies to support the Councils objectives
- working openly and in conjunction with the private hire and hackney carriage trade

Types of licence

- Private hire driver licence
- Private hire vehicle licence
- Private hire operator licence
- Hackney carriage driver licence
- Hackney carriage vehicle licence
- Dual/Combined drivers licence

Definitions

For the purpose of this licensing policy statement:

'the application' shall mean the application made by an individual(s) or company for the grant or renewal of a licence.

'the council' shall mean Slough Borough Council

'authorised officer' shall mean any officer authorised by the Councils scheme of delegations.

'hirer' shall mean any person(s) who hires or books a vehicle

'licensee(s)' shall mean the person(s) named on the licence

'operator' shall mean any person or company granted a licence to operate private hire vehicles.

'LGMPA 1976' - Local Government Miscellaneous Provisions Act 1976

'Town Police Clauses Act 1847' - TPCA 1847

'Transport Act 1985' - TA 1985

Relevant legislation & guidance

The Department for Transport (DfT) is responsible for hackney carriage and private hire legislation in England and Wales. Their 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' was issued in 2010. The Council has taken into account the DfT guidance when developing this policy along with any other relevant legislative requirements.

Equality Act 2010

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. Sections 160 to 173 of the Equality Act 2010 relate specifically to taxis and private hire vehicles (PHVs) and takes effect on 6th April 2017.

Sections 165, 166 and 167 of the Equality Act 2010 deal with the imposition of duties on the drivers of wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs, as well as provides exemptions for both drivers and vehicles.

Duties to assist passengers in wheelchairs

Equality Act 2010 (Section 165) places a duty on a driver of designated wheelchair accessible hackney carriages and private hire vehicles. The duties are;

- To convey the passenger while in the wheelchair
- Not to make any additional charge for doing so

If the passenger chooses to sit in a passenger seat;

- To take such steps as are necessary to ensure that the passenger is conveyed in safety and reasonable comfort; and
- To give the passengers such mobility assistance as is reasonably required to enable the passenger to get in or out of the vehicle and to secure/convey the wheelchair as appropriate.

Section 166 of the Act allows Licensing Authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it unreasonably difficult for him or her to comply with the duties.

Section 167 of the Act allows Licensing Authorities to maintain a list of 'Designated Vehicles', that is, a list of wheelchair accessible vehicles in their area. The consequence of being on the list is that the driver must undertake the duties in section 165.

Guide dogs and assistance dogs (section 168 to 171 of Equality Act 2010)

Guidance has been issued by the DfT regarding the duties to carry guide and assistance dogs and the procedure for granting a medical exemption. When dealing with exemption applications the Council will have regard to the DfT guidance.

Administration of licences & fees

Applications for licences will only be determined once all required documentation and relevant fees have been received. The fees have been calculated to recover the cost for the administration of the licence.

Where a licence application is refused and a fee has been taken, that fee will be refunded to the applicant minus an administration fee.

Any additional costs incurred by the applicant such as a medical, driving assessment (which are paid directly to the provider), knowledge test or criminal record check will not be refunded.

If a licence is surrendered before the expiry date, a pro rata refund will be issued minus an administration fee. However, if the time remaining on a licence is 6 months or less, then no refund will be given.

The licence remains the property of the Council and must be returned if it has been suspended or revoked. Formal written notification of suspension or revocation will be given to the licence holder. If the licensee wishes to cancel a licence then the Council must be notified in writing and the licence returned.

Data protection

All information held on files and databases regarding an applicant or licence holder are confidential and subject to the requirements of the Data Protection Act 1998. Appropriate measures will be taken to ensure the data is held securely and can only be accessed by authorised officers.

The Council is under a duty to protect the public and to protect the public funds it administers. The Council may use any information provided by an applicant or licence holder within this authority.

The Council is under a duty to maintain public registers in accordance with the legislative requirements and all registers will be maintained through the Councils licensing database.

For crime prevention and for the purpose of protecting the public and/or protecting public funds we may also share any information held with other bodies responsible for public functions where there is a legal basis or a legal obligation to do so.

Safeguarding vulnerable persons & children

The Council is committed to ensuring the safety and welfare of all vulnerable persons including children and young people who may be travelling in licensed vehicles.

Safeguarding training is a mandatory requirement for all licensed drivers and private hire operators. A specific 'Safeguarding Passengers' training program has been developed by Slough Borough Council. All current driver and operator licence holders, along with new applicants must attend the training. Refresher training is required every 3 years.

Hackney carriage & private hire driver licences

Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that 'a district council shall not grant a drivers licence to drive a private hire or hackney carriage unless they are satisfied that an applicant is a fit and proper person'

Fit and proper person – new applicants

Before a private hire, hackney carriage or combined drivers licence can be issued, the Council must ascertain if the applicant is 'fit and proper' to hold a licence. The following requirements must be met;

- Enhanced criminal record check
- Certificate of medical fitness
- Practical driving assessment
- Knowledge test (directions, highway code, policy & law)
- Safeguarding training
- English test (if required)
- Aged 21 or over
- Held a full UK/EU driving licence for a minimum of 2 years
- Passenger Assistance training (PATS) - (if applicable)

Full details of all the requirements will be given at the time of application.

Fit and proper person – current licence holders

The Council may suspend an individual's private hire, hackney carriage or combined driver's licence, if a serious allegation or complaint is made against them and the 'fit and proper' test is in doubt.

The Council may revoke an individual's private hire, hackney carriage or combined driver's licence if they are no longer deemed to be 'fit and proper'. This may be with immediate effect or through a referral to the Licensing Sub-Committee for decision.

Knowledge test

Private hire & hackney carriage applicants should have good knowledge of the local area. In addition they should have an understanding of the legislative requirements and the Council's policies.

All new driver applicants must pass the Council's knowledge test. The test comprises of local geographical knowledge, policy and law, highway code and basic working out of fares. Applicants take the test on a computer, the questions are multiple choice and randomly generated.

Practical driving assessment

Private hire & hackney carriage applicants are required to complete and pass a practical driving assessment through a recognised driver testing agency.

If more than one year has elapsed (at the time of application) since an applicant undertook and passed a practical driving assessment, then a new assessment will be required.

A driving assessment may be required if concerns are raised over an existing licence holders driving ability. This may be due to (but not limited to) motoring convictions, multiple endorsements on DVSA licence, a history of complaints regarding their driving, involvement in road traffic accidents or officers concerns.

If an existing licence holder is required to undertake and pass a practical driving assessment, their drivers licence (hackney carriage, private hire or combined) will be suspended until they have passed the practical test.

Medical fitness

All driver applicants must produce a medical certificate using the Council's prescribed form. Applicants/licensed drivers must meet the DVSA group 2 medical standards of fitness to drive. The medical must be carried out by the applicants/licensed drivers registered practitioner (GP) or by a GP who has full access to their medical records. The medical certificate should be no more than 3 months old at the time the licence is issued.

Medical requirements for applicants/licensed drivers are as follows;

- When making a new driver application
- Every 5 years from 50 years of age
- Annually for 65 years of age.

Applicants or licensed drivers with insulin dependent diabetes will be required to have an annual medical.

Licensed drivers are required to notify the Licensing Authority of any illness, condition or any other matter that affects their ability to drive.

Where there is any doubt over an applicant's/licence holders medical fitness to drive, a new medical certificate will be required at their own expense. The Council will review the medical evidence and make any decision based on the medical evidence available.

Disclosure of criminal convictions, cautions and FPN's

New applicants and current licence holders must declare to the Council any criminal or civil conviction, caution, fixed penalty notice (FPN) or if they are subject to any pending prosecution.

Private hire & hackney carriage licensing is subject to The Rehabilitation of Offenders Act 1976 (Exceptions) (Amendments) 2002 which means convictions considered to be 'spent' must still be declared and can be taken into consideration when determining an application.

Disclosure & barring update service (DBS)

All new applicants and existing licence holders are required to register their DBS certificate with the Disclosure & Barring update service and must consent to the Council carrying out an annual check on the validity of the certificate.

Immigration Act 2016

The Immigration Act 2016 took effect on 1st December 2016 and places specific duties on local authorities with regards to both taxi and private hire driver and operator applicants and licence holders.

In summary the Act stipulates the following:

- Licensing authorities have to ensure applicants for taxi and private hire driver and Operator licences have permission to work before being granted a licence;
- Driver and operator licences would not be issued for a period any longer than the length of a person's permission to reside and work in the UK;
- Immigration offences and penalties would be grounds for a licensing authority to revoke a licence;
- It would be an offence for someone disqualified from continuing to hold a driver or operator licence for immigration reasons not to return their licence to the licensing authority.

Slough Borough Council operates the taxi and private hire licensing regime in compliance with the Immigration Act 2016 and the guidance issued by the Home Office.

English test

Applicants who cannot demonstrate an adequate or reasonable level of spoken English and/or a suitable qualification will be required to undertake an independent assessment of their spoken English. The purposes of this requirement are:

- Ensure that members of the public are safeguarded by ensuring licensed drivers can competently communicate and give and understand most instructions.
- Ensure that applicants are safeguarded by ensuring licensed drivers can competently communicate and give and understand most instructions.
- Ensure impartiality and fairness in determining applications.
- Accommodate all eligible applications.

Certificate of good conduct

If an applicant has lived in the UK for less than 5 years, then a 'certificate of good conduct' (or similar document) will be required from the relevant embassy. It is the applicant's responsibility to obtain the certificate and it should be in English or accompanied with a certified translation if not.

Passenger assistance training (PATs)

PATs is a practical training course relating to the needs of passengers with various disabilities. All hackney carriage and combined driver applicants are required to undertake PATs training. Private hire applicants/drivers who licence a wheelchair accessible vehicle are also required to undertake PATs training. Applicants must undertake and pass PATs modules A, B1, B2, C1 and C2.

Private hire & hackney carriage vehicle licence

General

The Transport Act 1985 allows licensing authorities to regulate vehicle standards. When licensing a vehicle for either, private hire or hackney carriage, the overriding consideration is the suitability and safety of the vehicle. The vehicle can seat no more than 8 passengers and should fall within the Vehicle Certification Agencies M1, M2 and M3 categories.

Where an application is received for a limousine or other such 'novelty' vehicle, then each application will be considered on its own merits. Additional documentation and inspections may be required before a decision can be made to licence such a vehicle.

Slough Borough Council is committed to providing the infrastructure for hybrid and electric vehicles by providing charging points at suitable locations. The Council will encourage and promote the licensing of low emission vehicles in line with the Council's Transport and Environmental strategies.

Vehicle age limit

A vehicle should be less than 5 years old when it is first licensed as a private hire or hackney carriage vehicle. Applicants must check the date of registration in the vehicle registration document (V5) before purchasing a vehicle.

A vehicle can remain licensed until it reaches 9 years of age. This may be extended subject to a written request from the licence holder and accompanying information such as the vehicles service history. An extension may be granted if the vehicle is in good condition both internally and externally. Additional considerations include a low mileage, wheelchair accessibility and low emissions.

Wheelchair accessible vehicles (WAVS)

Any vehicle that has been modified to accommodate a wheelchair must have all modifications and adaptations (including seats, seat belts and anchorages), retested to meet either European Whole Vehicle type approval or UK Low Volume type approval in the M1 category. Any vehicle meeting UK Single Vehicle Approval will not be accepted.

Certificate of Compliance

To ensure the mechanical safety of any vehicle being licensed, all vehicles must undergo a 'compliance' test. The Council has designated garages contracted to carry out the test. All vehicles (regardless of age) must have a compliance test.

The test comprises of the same mechanical checks specified by a DVSA MoT. In addition, extra checks of the vehicle will be made including (but not limited to) the external and internal condition of the vehicle.

Taximeters

Any meter being used in a licensed vehicle must have been fitted by an approved installer and have a certificate of calibration which should be produced at the time of licensing and renewal.

The proprietor and driver must not permit the taximeter and its fittings to be tampered with. This is an offence under section 71 of the LG(MP)A 1976.

Hackney carriage vehicle limit

At present Slough Borough Council has a numerical limit on the number of hackney carriage vehicle licences. The limit may be reviewed subject to a formal request from a recognised trade association or relevant party.

Any demand survey relating to hackney carriage services will be carried out by a specialist independent company following a commissioning process. The survey costs will be recovered through an increase in hackney carriage vehicle licence fees.

Dual plating

If a vehicle has already been granted with a private hire or hackney carriage vehicle licence with any other licensing authority, then the Council will refuse the application.

A licence will only be granted for the vehicle once the licence issued by the other licensing authority has been surrendered.

Road traffic accidents or vehicle damage

If a licensed vehicle has been involved in an accident or has been damaged then the Council must be informed with 72 hours of the accident. The vehicle should be inspected (if still in a drivable condition) by a licensing officer to assess the damage.

In accordance with section 68 of the LG(MPA) 1976 a 'Stop Notice' will be issued if the vehicle has suffered damage that is detrimental to its use as a licensed vehicle. Public and passenger safety will be the priority when making a decision regarding suspending the vehicle licence.

CCTV in licensed vehicles

Slough Borough Council has formally approved guidelines relating to the installation of CCTV. It is not a mandatory requirement for any licensed vehicle to be fitted with CCTV equipment; however, Slough Borough Council must be notified in writing of any currently installed system or the intention to install any such system to a licensed vehicle.

The Council's guidelines set out to ensure that any CCTV systems installed in hackney carriage and private hire vehicles licensed by Slough Borough Council are properly used to:

1. Deter, prevent and detect crime
2. Reduce the fear of crime
3. Assist the Police in investigating incidents of crime
4. Ensure the security and safety of Hackney Carriage, Private Hire drivers and passengers; and
5. Assist insurance companies in investigating motor vehicle accidents

Private hire operator's licences

All applicants for an operator's licence are required to show that they are 'fit and proper' persons to hold a licence. The applicant must submit such information as deemed reasonably necessary to determine the application. This includes;

- A basic criminal record check (issued within the last 3 months)
- Public liability insurance
- A full list of all drivers and vehicles working under the operator licence

Operating base & planning permission

The operating base must be located within Slough Borough Council's boundaries. The premises where the operating base is located will be periodically inspected by authorised officers to ensure compliance with relevant legislation and the Council's licensing conditions.

Planning permission for the operating base is not a necessary requirement for the grant or renewal of a licence, however it is advised that the planning authority is contacted before the business commences to ensure compliance with planning law.

Records & bookings

The operator is responsible for maintaining driver and vehicle records in accordance with the council's policy. These records must be accurate, legible and immediately available for inspection by an authorised officer.

Operators are required to keep a record of all accepted bookings. This includes any bookings that are subsequently sub-contracted to another licensed operator. The booking record should include;

- Pick up point and destination
- Date
- Time of booking
- Name of person making the booking
- Driver & vehicle allocated booking (including 'call sign')

All booking records should be kept for a minimum period of 6 months. Where records are held on a computerised database, the operator must be able to provide printed copies or be able to provide the information in a format that is accessible to authorised officers.

Operators must keep accurate and legible records of all drivers and vehicles working under their operator's licence. This must include;

- Name, address and contact number of licensed driver
- A copy of their DVSA drivers licence
- A copy of their private/hackney carriage drivers licence
- Vehicle details including registration, make, model, licence number
- A copy of the vehicle licence
- A copy of the certificate of compliance
- A copy of the vehicle insurance

Sub-contracting of bookings

The Deregulation Act 2015 has amended section 55 of LG(MP)A 1976 to allow the sub-contracting of bookings to any other licensed private hire operator.

If a booking is to be sub-contracted, the operator must inform the hirer of their intention to pass the booking to another licensed operator. A record of the booking must be kept by both operators and the operator who accepted the booking initially must keep a record of who the booking was sub-contracted too.

Advertising

All advertising on hackney carriage and private hire vehicles must be authorised by the council. Operators should provide the Council with samples of their logos and vehicle signage for formal approval.

The words 'taxi', 'cab', 'for hire' or 'hackney carriage' are not permitted on private hire vehicles

Mobile applications (Apps)

'Apps' must be approved by the Council prior to their launch and must adhere to the record keeping requirements of the Council and any other relevant legislation. Operators should ensure that any app complies with the Data Protection Act 1998 with regards to the use and storage of customer's personal information.

Departure from licensing policy

In exercising its discretion in carrying out its functions, the Council will have regard to this licensing statement and the objectives detailed within it. The Council will consider each application and enforcement action on its own merits.

In certain circumstances, the Council may depart from this licensing statement and will give clear and substantive reasons for doing so. Departure from the licensing statement does not set a precedent for future decisions.

Convictions and conduct – new applicants

Definitions

"Free of convictions" shall mean from the date the applicant was convicted. If the incident did not amount to a criminal offence or it is not to be prosecuted, then the relevant date will be the date of the incident.

"Offence" shall mean any criminal offence and/or any other behaviour including a civil penalty which brings into question whether the applicant is a fit and proper person.

The Rehabilitations of Offenders Act 1976 (Exceptions)(Amendments) 2002 allows the Council to take into account all convictions recorded against an applicant or holder of a hackney carriage or private hire drivers licence whether spent or not.

In this statement, conviction shall mean a criminal conviction or a civil penalty. However if the applicant is on trial, is not to be convicted or the incident did not amount to a criminal offence, the suggested periods free from convictions shall be considered by the Council when making their decision, taking all the evidence before them into account.

Some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally the history of offending (including multiple offences/combinations of offences /types of offences) and/or behaviour may warrant a longer period free from convictions.

Accordingly an applicant may have a number of convictions that, individually, meet the timescales details in the Councils 'Conviction and Cautions' policy, the overall offending history must be considered when assessing the applicant's suitability to be licensed.

A series of civil or criminal offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but **the overriding consideration is the protection of the public.**

Simply remaining free of convictions will not necessarily be sufficient to show that a person is fit and proper where other circumstances /evidence bring this into question. Furthermore it should always be remembered that the periods free of conviction in this section are suggested minimums.

Whilst the time period detailed in this section provides guidance to potential applicants on how long they should wait before applying for a license following described offences/convictions, any application made following these guidelines is still subject to the same considerations of whether the applicant is fit and proper, and therefore simply following the guided timescales does not guarantee the granting of a license.

Notwithstanding and without prejudice to any other provision within this document, ordinarily the Council would, as a minimum, expect the standard rehabilitation periods identified in the Rehabilitation of Offenders Act 1974 to have expired.

Criminal convictions or civil penalties will be considered by officers or, in cases of doubt, by the licensing sub-committee.

An application from any person awaiting trial for an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of drugs or alcohol or offences of a habitual nature) will not normally be considered until the outcome of the trial and any subsequent appeal.

For the Council to fully consider the case on its merit, the applicant should provide a written statement of the offences (including any that they are awaiting trial for), with evidence, covering the 7 points in the paragraph below, which would be available for examination by the Council.

If the Council becomes aware of issues including previous criminal history/convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage/private hire driver and/or significant comments on any DBS check, consideration will be given to each applicant's suitability for licensing against the following criteria:

1. Nature of the offence/conduct/charge
2. Circumstances in which the offence/conduct/charge/ was committed.
3. Subsequent periods of good behaviour
4. Overall conviction/behaviour history
5. Sentence imposed by the court
6. Seriousness of the offence/conduct/charge
7. Taking all the above issues into account, with any other relevant issues, whether the protection of the public may be at risk.

Each case will be considered on its own merit.

Slough Borough Council regulatory & enforcement services enforcement policy

Slough Borough Council's Regulatory and Enforcement Services Enforcement Policy commits the Council to good enforcement practice with effective procedures and clear policies. Specifically in relation to private hire and hackney carriage drivers the policy details the following:

- Where a new applicant for a hackney carriage or private hire drivers licence or an existing licence holder has been convicted or is subsequently convicted of any offence of dishonesty, a licence will not be granted, will not be renewed and will be either suspended or revoked with immediate effect where it is deemed necessary in the interests of public safety to do so.
- Where a new applicant for a hackney carriage or private hire drivers licence has been convicted of any offence of indecency or violence or any other criminal offence of a serious nature, a licence will not be granted, until the applicant is free from conviction for at least a period of 10 years (the date when the conviction becomes spent being the start date for the calculation of the 10 year period)
- Where an existing hackney carriage or private hire driver licence holder is convicted, during the period of the licence, of any offence of indecency or violence or any other criminal offence of a serious nature, the licence will be either suspended or revoked with immediate effect, and any new application will not be considered until the applicant is free from conviction for at least a period of 10 years (the date when the conviction becomes spent being the start date for the calculation of the 10 year period)

Whilst each case will be considered on its own merits, the protection of the public is paramount.

Compliance & enforcement

The Council will work in partnership with other agencies and neighbouring authorities to undertake compliance and enforcement activities. The Council will carry out enforcement operations and compliance checks which may include Thames Valley Policy, DVSA, UKBA and HMRA.

Inspections of vehicles, operating bases, documents and records will be made by licensing officers. These may be pre-arranged audits, random checks or scheduled enforcement operations.

Document Checks

All documents produced to licensing officers must be originals and will be checked for authenticity. Random checks will be carried out throughout the year, along with routine compliance inspections.

Complaints & enforcement action

All complaints against licence holders must be received in writing. The complaint will then be fully investigated by licensing officers and appropriate action will be taken where necessary.

The hackney carriage and private hire licensing regime is in place to ensure passenger safety. The DfT guidance states enforcement is necessary to maintain high standards. Any enforcement action taken against a licensee must be reasonable and proportionate.

Officers will have regard to the 'Consumer Protection and Business Compliance' enforcement policy.

Depending on the nature and the seriousness of the offence/breach, there are various enforcement options available to officers. These options include the following;

- Verbal advice
- Written warning
- Penalty points
- Suspension
- Formal caution
- Prosecution
- Revocation

Penalty points

The penalty points system provides an effective enforcement tool for licensing officers in respect of hackney carriage and private hire driver and vehicle licence holders, as well as private hire operators who are in breach of conditions or legal requirements relating to the licensing functions of the Council.

The penalty points system is an alternative to officers prosecuting or referring licence holder to the Licensing Sub-Committee.

The system operates like the endorsements on a DVSA driving licence. Where 12 unspent penalty points are accumulated by a licence holder, an automatic referral to the Licensing Sub-Committee is triggered.

Where a referral is made to a Licensing Sub-Committee, it will be the Committee's decision on what further action (if any) should be taken.

Where penalty points are issued by a licensing officer and the licence holder wishes to dispute the matter, the licence holder may request that the matter be referred to a Licensing Sub-Committee.

Where a complaint or information is received from the Police or a member of the public the matter will be investigated by a licensing officer and may result in the issue of penalty points.

Any licence holder has the right to appeal against a Licensing Sub-Committee decision to the Magistrates Court within 21 days of notification of the Committee's decision.

Referral to Licensing Sub-Committee

New applicants and current licence holders will usually be referred to the Licensing Sub-Committee if there is any doubt that they meet the 'fit and proper' test to be a licensed driver. This may be due to the following

- a conviction(s),
- caution(s),
- additional information disclosed on the DBS certificate
- their previous conduct if they have been licensed before.

Licensing officers will prepare a report detailing the facts of the case along with any other relevant evidence that can assist the members in their decision.

Any decision made by the Sub-Committee will be made in writing, detailing fully how and why the decision was made. The right to appeal a Licensing Sub-Committee decision is to the Magistrates Court within 21 days of notification of the Committee's decision.

Revocation of a drivers licence

If a private hire or hackney carriage driver's licence is revoked, then a minimum period of 1 year should have elapsed before a new application will be considered.

This period of time may be extended depending on the circumstances of the revocation.

Immediate revocation of a drivers licence

If a licensed driver is under investigation regarding a serious complaint or criminal offence and there is serious concern regarding that individual's suitability to be a licensed driver, the licence can be immediately revoked under section 52 of the Road Safety Act 2006.

Powers have been delegated to the Licensing Manager who, in consultation with the Chair of the Licensing Committee, can revoke a driver's licence with immediate effect. When a licence is immediately revoked, the decision will be made in writing and will be personally served on the licence holder as soon as is reasonably practicable.

Appeals

Where a licence has been suspended or revoked or where a new application has been refused, an appeal against the decision by the Council may be made to the Magistrates Court within 21 days of the notice of refusal, revocation or suspension.

Reinstatement of a revoked licence

If a licence has been revoked with immediate effect, but following investigation no further action is taken and the Council believes that individual remains 'fit and proper', a new application can be made and the licence re-instated. The Council will, where possible, make concession to the application process.

Glossary

Approved policies and guidelines

- **Private hire & hackney carriage driver policy**
- **Private hire & hackney carriage vehicle policy**
- **Private hire operator policy**
- **Conviction & caution policy**
- **Tinted window policy**
- **Wheelchair accessible & purpose built vehicle policy**
- **Tinted window policy**
- **Advertising policy**
- **CCTV guidelines**