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The Chair and Members of Appeals
and Regulatory Committee and
Councillor Innes

Please ask for

Brian Offiler

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3 September 2014

Dear Councillor,

Please attend a meeting of the APPEALS AND REGULATORY COMMITTEE to be held on WEDNESDAY, 10 SEPTEMBER 2014 at **11.00 am** in Committee Room 1 Town Hall Chesterfield, the agenda for which is set out below.

Please note the start time of the meeting, which is earlier than that previously notified.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the agenda
2. Apologies for Absence
3. Hackney Carriage and Private Hire Licensing Policy - Amendments (A410) (Pages 1 - 88)

Chief Executive
Huw Bowen



Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Local Government and Regulatory Law Manager

FOR PUBLICATION

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – AMENDMENTS (A410)

MEETING: APPEALS AND REGULATORY COMMITTEE

DATE: 10th SEPTEMBER 2014

REPORT BY: LICENSING MANAGER

WARDS: ALL

COMMUNITY FORUMS: ALL

1 PURPOSE OF REPORT

- 1.1 To inform members of necessary amendments to the Hackney Carriage and Private Hire Licensing Policy.

2 RECOMMENDATION

- 2.1 To adopt those amendments contained in the revised policy and schedules.

3 REASON FOR RECOMMENDATION

- 3.1 The amendments will improve public safety.

4 BACKGROUND

- 4.1 The Hackney Carriage and Private Hire Licensing Policy was approved by Council on 15th December 2010 and implemented from 1 April 2011. Revisions were made to the policy in May 2012.
- 4.2 Further amendments to the policy have become necessary and all changes are highlighted on the draft policy document in 'track changes'. The draft policy is attached as Appendix A.

- 4.3 This report contains a précis of the main changes.
- 4.4 The amendments have been subject to widespread debate plus a formal period of consultation between 1st and 31st July 2014. In the formal consultation all drivers and operators were written to, the matters were available for debate at the Taxi Consultative Committee and were discussed at the Enterprise and Wellbeing Scrutiny Committee.
- 4.5 Responses to the consultation are attached at Appendix B but were restricted to the proposal regarding the length of an insurance policy.

5 SUMMARY OF THE MAJOR CHANGES

5.1 POLICY DOCUMENT

- 5.2 An amendment is suggested to allow operators to advertise their own services on their vehicles, such as vacancies for drivers. Paragraph 2.8.2.2
- 5.3 Renewal applications should be accompanied by the vehicle V5 document, this was good practice before but not a requirement. Paragraph 2.18.4.
- 5.4 **Wheelchair accessibility**, paragraph 3.4.2-5.
- 5.5 A high proportion of the council's licensed vehicles are wheelchair accessible but to date it has only been advisory for drivers to have a formal qualification for the loading of wheelchair passengers. Trade members, through the Taxi Consultative Committee, suggested that drivers of wheelchair accessible vehicles must be qualified to an acceptable standard in the loading of wheelchairs and passengers.
- 5.6 After much research and consultation it is proposed that all drivers must obtain one of the following qualifications if they are to drive a wheelchair accessible vehicle:
- A) DSA wheelchair exercise;
 - B) An appropriate NVQ, such as:
 - City & Guilds NVQ level 2, unit 228, Road Passenger Vehicle Driving (Taxi and Private Hire) (7439); or

- Perason Edexcel NVQ level 2, Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF) module A/602/6061; or
- An equivalent NVQ from another provider.

C) Modules B1 and B2 of the Passenger Assistant Training Scheme (PATS).

- 5.7 The requirement will apply to all drivers of a wheelchair accessible vehicle, **not just new drivers**.
- 5.8 Drivers will be given a period of six months to produce evidence they have obtained the qualification.
- 5.9 Only drivers who have obtained the necessary accreditation will be authorised to drive wheelchair accessible vehicles. Such drivers will be identified by the inclusion of a wheelchair logo on their drivers badge which should be worn at all times.
- 5.10 **Suspension and revocation.** A recent High Court decision (R (app Singh) v Cardiff City Council 2012) states that the two-tier approach of suspension by officers then decision by committee is wrong; there should be just one decision. In future the decision to suspend or revoke (either with immediate effect to protect public safety) in urgent situations, including when an arrest or charges relating to serious offences have been made or laid, will be made by authorised officers in consultation with the chair or vice-chair of the Appeals and Regulatory committee. Paragraph 4.2.2. of the policy refers.
- 5.11 If the allegations or concerns are later found to be unproven or without foundation the driver can apply for the return of their licence in line with current procedures.

5.12 SCHEDULE 1

- 5.13 **Length of insurance policy.** It is suggested that the minimum length of an insurance policy should be 6 months. A number of drivers produce weekly policies and there is a fear that these may not be renewed. This proposal has received eight objections from drivers, operators and an insurance company; all against the proposal on grounds of cost. The responses are attached at Appendix B. Paragraph 7.4 of the policy refers.

5.14 **Test failures.** A trend has been identified whereby some operators are sending their vehicles for test after the licence has expired with the result they cannot be considered for penalty points as the vehicle is no longer a licensed vehicle. The proposal is that, for the purpose of penalty points, the policy will apply if a vehicle is presented for test within 28 days of the previous licence having expired. Paragraph 15.7 of the policy refers.

5.15 **SCHEDULE 3.**

5.16 Appeals against penalty points will be referred to the Environmental Health Manager instead of the head of service, reflecting recent organisational changes. Paragraph 3.6 of schedule 3 refers.

5.17 The number of penalty points for smoking in a licensed vehicle will be reduced from 6 to 3 as this is felt as more proportionate. Schedule 3 Appendix 4.

5.18 **SCHEDULE 4 – Conduct of licensed drivers**

5.19 The use of e-cigarettes [e-cigs] in licensed vehicles will be prohibited as they have not been shown as safe for public use. England's chief medical officer is on record as stating "the harm from e-cigs is not known but we know they are not risk free", and that "e-cigarettes can produce toxic chemicals, and the amount of nicotine and other chemical constituents and contaminants, including vaporised flavourings, varies between products - meaning they could be extremely damaging to young people's health". The Children & Families Bill proposes the sale of e-cigs to those under 18 years be prohibited and the Welsh Parliament are currently considering a ban on e-cigs in public places, along the same lines as smoking, citing the following reasons:

- E-cigs create an impression that smoking is normal and acceptable;
- The smoking of e-cigs makes enforcement difficult; and
- Children could be tempted to try e-cigs, creating a gateway to smoking.

- 5.20 In recent weeks the World Health Organisation has recommended the use of e-cigarettes indoors should be banned.
- 5.21 The proposal on e-cigarettes has not received any objection from members of the trade.
- 5.22 **SCHEDULE 5 - Guidance**
- 5.23 This document will be amended to reflect the decisions made at committee today.

6.0 RECOMMENDATION

- 6.1 The amendments as outlined in the revised policy and schedules are approved.

7.0 REASONS FOR RECOMMENDATION

- 7.1 The amendments will improve public safety.

More information about this report is available from Trevor Durham - Licensing Manager on 01246 345203.

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Hackney Carriage and Private Hire Licensing Policy



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Amendments to the Policy	

Schedules are attached to but do not form part of the Policy and may, as required be amended and updated.

Schedule Page Number

Schedule 1 Vehicle Conditions

Schedule 2 Drivers Conditions

Schedule 3 Breaches of Licensing Conditions and Convictions Schemes

Schedule 4 Conduct of Licensed Drivers plus bye-laws

Schedule 5 Application guidance

Schedule 6 Terms of Reference Taxi Drivers Consultative Committee

Schedule 7 Operator Conditions

1. Introduction

1.1. Powers and Duties

- 1.1.1. This Policy is concerned with the application of powers exercised by Chesterfield Borough Council in respect of hackney carriages and private hire vehicles conferred principally by the Local Government (Miscellaneous Provisions) Act 1976, as amended and other relevant legislation.

1.2. Background to Policy

- 1.2.1. This Policy is the consolidation and updating of various conditions and procedures that have been used by Chesterfield Borough Council.
- 1.2.2. The Policy will be reviewed at 3 yearly intervals or as required. Schedules to the Policy do not form part of the policy but will be reviewed at a minimum of three yearly intervals from their introduction.
- 1.2.3. Each Schedule is dated from the time of adoption however some historic schedules have been given approximate dates and if these are older than three years will be part of the review programme.
- 1.2.4. When the Government relaxes the restrictions on Council Byelaws these will be subject to revision.

1.3. Objectives

- 1.3.1. Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door to door service in various circumstances, including where public transport may not be available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties. In setting out its policy, Chesterfield Borough Council seeks to promote the following objectives:
 - 1.3.2. The protection of the safety of the public
 - 1.3.3. The protection of the environment
 - 1.3.4. Public access to an efficient and effective public transport service.
 - 1.3.5. To provide and maintain a professional and respected hackney carriage and private hire trade, by continued monitoring and improvement of their required standards of service.
 - 1.3.6. When considering each of the requirements detailed in this document, the Council has tried to ensure that each requirement is proportionate to the risk it seeks to address, balancing the cost of the requirement against the benefit to the public. The principle is that the costs of implementation should be commensurate with the benefits of the policy.

1.3.7. The Council acknowledges that the current drivers and operators share the objectives of this Policy and that the use of formal enforcement action is infrequent. This Policy seeks to reinforce the existing high standards for all licence holders by the use of the full range of regulatory options by setting standards, encouraging and assisting in compliance with these standards and taking enforcement actions where standards are not met. In deciding whether to take enforcement action and what action to take, regard will be had to the published Enforcement Policy.

1.4. **Best Practice Guidance**

1.4.1. In formulating this policy, advice contained in the "Taxi and Private Hire Vehicle Licensing Best Practice Guidance February 2010" issued by the Department for Transport has been taken into account. There is recognition within the Guidance that a too restrictive approach may be detrimental to the public interest and could have adverse safety implications and this is taken note of in this Policy.

1.5. **Implementation**

1.5.1. This policy will take effect from 04/06/12 (date to be fixed) and will be reviewed in three years. Revisions will be considered as appropriate.

1.5.2. Upon implementation of this policy, the Authority expects licence-holders to comply with its terms immediately unless otherwise indicated in the policy or Schedules.

1.6. **Licensing Profile**

1.6.1. At the time of writing there are licences for 152 hackney carriages, 338 private hire vehicles and 32 private hire operators. There are 534 drivers licensed to drive both hackney carriages private hire vehicles.

1.7. **Departure from the Policy**

1.7.1. In exercising its discretion in carrying out its regulatory functions the Council will have regard to this policy document and the objectives set out therein.

1.7.2. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits and where appropriate in accordance with the Enforcement Policy.

1.7.3. Where it is necessary for the Council to depart substantially from this policy, reasons for doing so will be given. The Head of Environment~~Environment~~ Environmental Health Manager may authorise action if he considers it necessary in the specific circumstances and will advise the Lead Executive ~~Member~~ for Environment and Chair of the Appeals & Regulatory Committee accordingly.

1.8. **Consideration of Applications**

- 1.8.1. The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete. For drivers the Breaches of Licensing Conditions and Convictions Schedule 3 will be applied as part of the application process.
- 1.8.2. Drivers, Operators or Vehicles applying for a renewal of any licence should do so ~~14 days~~**10 working days** before the licence expires and provide all supporting paperwork before the licence expires. If a vehicle fails to pass the Councils test before the existing licence is renewed an application for a new licence will be required. This requirement is to encourage the routine maintenance of vehicles to keep them safe for passengers between licensing tests. Failure to present all required paperwork before the expiry of a licence will require the applicant to apply for a NEW licence and to meet all conditions applicable to a new licence.

2. Vehicles (Hackney Carriages and Private Hire)

2.1. Limitation of Numbers

- 2.1.1. No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.
- 2.1.2. The grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages, if the Licensing Authority is satisfied that there is no significant unmet demand for the services of hackney carriages.
- 2.1.3. There is currently a policy to limit the number of hackney carriages which may be licensed within the Borough to 110 vehicles. This does not, however, imply that Licenses will be removed from vehicles unless they lapse or, are revoked for breaches of the conditions or, of this policy, or other legislation. The policy includes the provision of a waiting list to obtain new licenses.

2.2. Specifications and Conditions

- 2.2.1. Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles.
- 2.2.2. The Best Practice Guidance suggests that local Licensing Authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.
- 2.2.3. The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public, however, it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

2.2.4. Schedule 1 sets out the minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications.

2.3. In general, vehicles will be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted. Purpose-built vehicles are amongst those which the Council will licence as hackney carriages.

2.4. **Accessibility**

2.4.1. The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to disabled residents to enjoy a high quality of life therefore newly licensed hackney carriage vehicles are required to be wheelchair accessible. The provisions of the Equality Act 2010 will also apply to both vehicles and drivers and Licensing Authority.

2.4.2. In line with the guidance it is considered that different accessibility considerations should apply between hackney carriages and private hire vehicles as hackney carriages can be hired by the customer dealing directly with a driver. Private hire vehicles, however, can only be booked through an operator. It is considered important that a person with a disability should be able to hire a hackney carriage with the minimum delay or inconvenience.

2.4.3. Drivers who, for medical reasons are unable to accept wheelchair passengers or accessibility animals are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence as proof that they cannot comply with the Equality Act 2010. Exemption certificates, which show the photograph of the driver must be displayed in the vehicle at all times the driver is working.

2.5. **Maximum Age of Vehicles**

The Best Practice Guidance reminds Licensing Authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. It is, nevertheless, accepted that a greater frequency of testing may be appropriate for older vehicles. Details of testing frequency requirements are specified in 2.7 of this policy under Vehicle Testing.

2.5.1. Hackney Carriage vehicles must be wheelchair accessible when presented for their first test (except for vehicles to which plates 101-136 inclusive are to be transferred). A wheelchair accessible hackney carriage must be either be a purpose built hackney carriage vehicle no more than 3 years old from the date of first registration when first licensed by the Council or if adapted as a hackney carriage be no more than 6

months old from the date of first registration when first licensed by the Council .

~~Replacement Hackney Carriages must not be older than the vehicle it replaces. The replacement vehicle should be the same as the vehicle they replace, ie wheelchair accessible or a saloon (101–136 inclusive).~~

2.6. Environmental Considerations

- 2.6.1. Vehicle licensing policies can and should support local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels. For this reason there is no minimum engine size specified and the Council will keep this element of the standards under review taking into account local air quality concerns.
- 2.6.2. It is, however, clearly important that emissions from hackney carriages and private hire vehicles are reduced as far as possible although there are no plans to introduce any stricter emission test than that required for an MOT.
- 2.6.3. Schedule 1 makes it clear that LPG conversions to vehicles and electric/hybrid vehicles are acceptable.
- 2.6.4. Emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles which is facilitated by the licence renewal policy.

2.7. Vehicle Testing

- 2.7.1. A satisfactory vehicle test, from an inspection carried out by the Council's nominated garage, must be produced for all vehicles. Subsequent vehicle test pass certificates must be produced every six months as part of the Council's vehicle test requirement which also requires the vehicle to be mechanically tested every six months by the Council's nominated garage/s. This process is referred to as the Council's test.
- 2.7.2. When a licensed vehicle fails its inspection requirements with a VOSA (Categorisation of Defects Part 2: Passenger Cars, Private Buses and Light Goods Vehicles) "I" immediate prohibition or "D" delayed prohibition it will be automatically suspended from the time of the test until such time as the vehicle has been re-examined and the necessary pass certificates obtained.
- 2.7.3. With the safety of the public being a predominate factor of this Policy, all vehicles involved in an accident, will be required to notify the Council of an accident or damage to a licensed vehicle, within 72 hours of the accident, which would cause the vehicle damage materially affecting the safety performance or appearance of the hackney carriage or private hire or the comfort or convenience of persons carried therein..
- 2.7.4. For vehicles the Breaches of Licensing Conditions and Convictions Schedule 3 will be applied as part of the application process or for incidents occurring within the life of the license.

2.8. Signage and Advertising

2.8.1. Signage

2.8.1.1. 'Signage' is defined as all signage on the vehicle that is not for commercial advertising i.e. commercial advertising is for goods or services of another organisation.

2.8.1.2. No signage is permitted on windows except as described in 2.8.1.4.3/4 and 2.8.1.5.4/5.

2.8.1.3. No external or internal signs (other than those required by law or permitted advertising) shall be displayed other than as set out below.

2.8.1.4. Private Hire Vehicles

2.8.1.4.1. A self-adhesive sign on each of the front doors containing at least the name and business telephone number of the individual or firm operating the vehicle. The sign shall not contain the word hackney, cab or taxi or any word which bears resemblance to or contains within it, hackney, cab or taxi. Each sign shall be at least 15" by 10" (375mm x 250mm) and on a neutral background. The name and telephone number shall not conflict with any used by another individual or firm.

2.8.1.4.2. A self-adhesive sign provided by the Council shall be displayed on the rear doors immediately below the window. The sign shall incorporate the Council name and logo, plate number of the vehicle and the words "ADVANCE BOOKINGS ONLY".

2.8.1.4.3. Signage may be displayed in the car to advise that smoking is not allowed in the vehicle and that food and drink is not to be eaten.

2.8.1.4.4. The Appeals and Regulatory Committee may authorise the display of signs in support of specific good causes in a manner and duration specified by them.

2.8.1.4.5. Signs provided by the manufacturer, e.g. advising that space is required to unload a wheelchair, may be displayed.

2.8.1.5. Hackney Carriage Vehicles

2.8.1.5.1. A self-adhesive sign on each of the front doors containing at least the name and business telephone number of the individual or firm operating the vehicle. Each sign shall be at least 15" by 10" (375mm x 250mm) and on a neutral background. The name and telephone number shall not conflict with any used by another individual or firm

2.8.1.5.2. A self-adhesive sign provided by the Council shall be displayed on the rear doors immediately below the window. The sign shall incorporate the Council name and logo and plate number of the vehicle.

2.8.1.5.3. A top sign that bears only the word 'Taxi'. The sign shall be white when illuminated and the vehicle is plying for hire. The sign shall not be illuminated when the ~~meter~~taximeter is brought into operation.

2.8.1.5.4. Signage may be displayed in the car to advise that smoking is not allowed in the vehicle and that food and drink is not to be eaten.

2.8.1.5.5. The Appeals and Regulatory Committee may authorise the display of signs in support of specific good causes in a manner and duration specified by them.

2.8.2. Commercial Advertising

2.8.2.1. Advertising of a commercial nature ~~, i.e. adverts for the goods or services of another organisation~~ is permitted on both hackney carriages and private hire vehicles.

2.8.2.2. ~~One Co~~ commercial advertising will be permitted ~~only~~ on each of the rear side doors of saloon cars, the rear side doors ~~and/or~~ rear side panels of wheelchair accessible vehicles and people carriers. The advert must be identical on both sides of the vehicle.

2.8.2.3. All commercial advertising shall be on self-adhesive ~~transparent~~ sheeting and no paper based or water soluble adhesive pastes shall be used.

2.8.2.4. No commercial advertising is permitted on windows.

2.8.2.5. Advertisements must comply with the guidelines issued by the Advertising Standards Agency.

2.8.2.6. Advertisements of the following nature will NOT be permitted:

- Alcohol or any associated product
- Tobacco products of any description
- Religion
- Political
- Controversial
- Bad taste

2.8.2.7. Any commercial advertising must not obscure, obliterate or be confused with the signage required by the Council.

2.9. Security/CCTV

2.9.1. The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.

2.9.2. Video surveillance systems are permitted to be fitted to the vehicle provided that:-

2.9.3. The owner or operator notifies the council within 10 working days of the fitment of the system including details in writing as to the security, disposal and retention of the images recorded by the system.

2.9.4. A warning notice is clearly displayed informing the public that such a system is in operation.

~~2.9.2.~~2.9.5. It is not proposed that measures such as CCTV cameras should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. However installation of CCTV cameras in vehicles on a voluntary basis will require the operator to handle relevant data gathered in an appropriate and secure manner.

2.10. Executive Hire Vehicles

2.10.1. The Council recognises that there is a market for hiring vehicles to customers who would not want that vehicle to be readily identified as a Private Hire Vehicle. To exempt the vehicle from the usual plating conditions it must comply with the council's guidance.

2.10.2. Vehicles must be of a standard of comfort and equipped to a level equal to or better than luxury brands of vehicles.

2.10.3. The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating. There must be no external signage or advertising.

2.10.4. The type of work undertaken must be 'executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable. Records of hire must be produced when the vehicle license is applied for or at renewal.

2.10.5. Vehicles with this license are exempt from certain of the license and signage requirements as detailed in Schedule 1 and may not carry external signage or advertising.

2.11. Stretched Limousines

- 2.11.1. Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions.
- 2.11.2. Stretched limousines can be licensed for private hire work providing they may carry no more than eight passengers and meet the requirements of the Act.
- 2.11.3. In accordance with the Best Practice Guidance, all applications to licence stretched limousines as private hire vehicles will be treated on their own merits and be approved for licensing as private hire vehicles subject to the additional conditions detailed in Schedule 1.
- 2.11.4. Vehicles with this license are exempt from certain of the license and signage requirements as detailed in Schedule 1. They may carry the front door Private Hire Signage, Signage or advertising for the rear window and/or additional signage on the front and/or rear doors of the "name" of the vehicle. They may choose to carry no signage.

2.12. Funeral Vehicles

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

2.13. Wedding Vehicles

- 2.13.1. A vehicle does not need to be licensed while it is being used solely in connection with a wedding.

2.14. Livery

~~2.14.1. The livery of vehicles has been subject to an exemption for hackney vehicles in fleet prior to the livery conditions being introduced. This is now giving rise to confusion between exempt Hackney Carriages and Private Hire vehicles. The exemption ended on 9 December 2011.~~

~~2.14.2.~~ 2.14.1. The Council will not approve for licensing as a private hire vehicle, any vehicle whose appearance will lead any person to believe it is a hackney carriage.

2.15. Dual Plating

- 2.15.1. The Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another Licensing Authority except for temporary replacements as detailed in Schedule 1.

2.16. National Flags

2.16.1. On the occasion of major events (for example, a world cup, coronation, royal wedding, etc.) a maximum of one flag may be flown on a licensed vehicle. The flag must be of a size and manufacture that will not obstruct the driver's view in anyway, nor endanger the safety of other road users or pedestrians. All flags are flown at the proprietor's own risk. Flags, transfers or decals on the bodywork or ribbons or similar fabric attached to the body work do not meet the signage conditions.

2.17. Application Procedures

2.17.1. A vehicle must be relicensed every six months. It must pass the specified Council test.

2.18. Grant and Renewal of Vehicle Licences

2.18.1. Hackney carriage or private hire vehicle licences will continue to be issued for a six month period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

2.18.2. The initial vehicle licence for vehicles will be issued for a period up to the 6 monthly anniversary of the date of first registration. All subsequent renewals will expire on the anniversary of this date.

2.18.3. Application forms, supporting information and appropriate fees should be submitted at least fourteen days prior to the expiry of the previous licence. Current MOTs and test certificate passes must be submitted no later than ten working days prior to the expiry of the existing licence. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy. If the licence is not renewed before expiry a private hire vehicle will be required to re-license with new plates and to meet all current conditions.

2.18.4. When applying for a renewal of the vehicle licence the application must be accompanied by the vehicles V5 document (log book) to verify ownership.

2.18.4.2.18.5. When submitting renewal applications, applicants should be aware that it may take up to ten working days to process and issue a licence. It may also take time to undertake any repairs necessary and retest a vehicle if it fails at the testing station. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until a NEW licence can be issued. If a Hackney vehicle plate expires then under the 'capping system' the plate is lost.

2.18.5.2.18.6. The vehicle shall be examined by such person or persons as may be from time to time appointed by the Council. The frequency of such examination and testing will not exceed three times in any period of twelve months. The tests will include checks upon compliance with standards set in this policy and the vehicle conditions and an MOT test.

3. **Drivers**

3.1. **Licences**

3.1.1. Licences will normally be for driving both Hackney Carriages and Private Hire Vehicles.

3.1.2. Only drivers licensed by Chesterfield Borough Council are allowed to drive vehicles licensed by the council, even though the vehicle may be insured for social, domestic and pleasure use.

3.1.2-3.1.3. Limited Private Hire only licences may be granted for contract driving, i.e. Contract Drivers. These will be subject to broadly similar conditions but exempt from:

- The geographical paper of the written knowledge test;
- The driven knowledge test.

The DSADVSA driving test will still be required. Any such licence shall be granted for specific contracts and vehicles. A contract driver CANNOT drive normal licensed Private Hire Vehicles and Hackney Carriages.

3.2. **Age and Experience**

3.2.1. Drivers must ;

- hold a full UK or EEA drivers licence that complies with the current legislation for driving in the UK as a resident. On application for a licence the drivers DVLA/EEA licence must have been held for at least one year and meet the criteria of the Breaches of Licensing Conditions and Convictions Scheme.
- if using an EEA licence obtain a 'backing sheet' from the DVLA within twelve months of the issue of the hackney carriage or private hire driver's licence, which can be attached to the non-UK driving licence and used by the DVLA to monitor breaches of legislation obtained whilst driving in the UK. Where this requirement is not satisfied, the driver's licence will be automatically suspended pending compliance.
- have the right to work in the UK.

3.3. Driver Knowledge Tests

- 3.3.1. In order to determine fitness to hold a licence, applicants for a driver's licence are required to undertake a written test and practical test as to their knowledge of the local geography. This test will also test the driver's knowledge of the Council's Licensing Policy. The local geography test may be omitted for Private Hire drivers who only undertake specific contracts – subject to further conditions.
- 3.3.2. In addition, applicants are required to take a written test of their knowledge in relation to customer care, the Council's Licensing Policy including basic numeracy.
- 3.3.3. Any driver whose license has lapsed or been revoked will be required to retake the test before the licence is reinstated.
- 3.3.4. Any driver who has their licence suspended for any period of time if they have not previously taken the test will be required to take the knowledge test before a new licence is granted.
- 3.3.5. Drivers of Stretch Limousines must have passed a supplementary manoeuvring test.

3.4. Driving Proficiency and Qualifications

- 3.4.1. The Driving and Vehicles Standards Agency (DVSADSA) first introduced a practical driving test specifically designed for hackney carriage and private hire drivers in 1999. All new applicants for drivers licences will be required to produce evidence that they have successfully completed the DSADVSA practical driving test.
- 3.4.2. ~~–~~Drivers of wheelchair accessible vehicles must show they are competent in the loading and care of wheelchair passengers by obtaining one should also of the below qualifications. For new drivers this must be before they are granted a licence, for existing drivers it must be within six months of the date this policy is approved by the council.
- 3.4.3. Only drivers who obtain the requisite qualification will be permitted to drive a wheelchair accessible vehicle.
- 3.4.4. The acceptable levels of competence for wheelchair loading are:
- The DVSA Wheelchair exercise:
 - NVQ 7439, unit 228, Road Passenger Vehicle Driving (Taxi and Private Hire) or equivalent NVQ from another provider; or
 - Modules B1 and B2 of the Passenger Assistant Training Scheme (PATS).

3.4.5. Advice on how to obtain these qualifications is outlined at paragraph 4.6 of Schedule 5, 'Application Guidance'.

3.5. **Medical Examination**

- 3.5.1. Holders of current PCV and/or HGV Licences, where the holder is able to produce proof of current medical examination, will not be required to undergo a further medical examination.
- 3.5.2. A medical examination is required on the first licence application and then every 3 years from when first licensed and annually after 65.
- 3.5.3. The medical can be carried out by a Doctor of the applicants' choice but must be carried out to DVLA Group 2 Medical Standards. Such certification must be no more than three months old.
- 3.5.4. Drivers must produce further medical certification annually or at a shorter period where recommended by the medical practitioner.
- 3.5.5. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, a confidential report must be submitted to the Licensing Officers. The applicant may have a copy of the report upon request.
- 3.5.6. Licence holders must provide written notice -advise the Council of any deterioration in their health that may affect their driving capabilities. Such notice **MUST** be given as soon as is practicable from the moment the person became aware of the deterioration.
- 3.5.7. Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical examination by a Doctor appointed by the Council, at the applicant's own expense.

3.6. **Disclosure & Barring Service (DBS) Criminal Record Bureau (CRB) Disclosures**

- 3.6.1. A criminal record check on a driver is seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a licence. An Enhanced Disclosure provided by the Disclosure and Barring Service Criminal Records Bureau is required by all applicants, whether new or renewal applications. These disclosures include details of spent convictions, unspent convictions and police cautions.
- 3.6.2. The Rehabilitation of Offenders Act 1974 does not apply to applicants for licences. They are required to disclose all convictions, including those that would normally be regarded as spent.
- 3.6.3. Before an application for a driver's licence will be considered, the applicant must provide a current (less than 3 months old) Enhanced CRBDBS Disclosure Certificate issued specifically for Chesterfield Borough Council. or an Enhanced DBS CRB Disclosure Certificate that

has been obtained through another registered body (for example, Derbyshire County Council) and can be verified to the Council's satisfaction in accordance with any relevant Code of Practice and/or guidance and is less than 3 months old. Drivers from other countries will be required to provide a Certificate of Good Conduct from the embassy of every country where they have been domiciled before entering the UK and be no older than 3 months at time of presentation.

3.6.4. Drivers must produce the DBS disclosure to the licensing section within three months of its date of issue.

3.6.4.3.6.5. The Council is an accredited Criminal Records Bureau body; therefore, applicants can deal with the Criminal Records Bureau through the Council. The applicant will be responsible for the payment of the appropriate fee.

3.6.5.3.6.6. If a driver can satisfy the authority that they have been conviction, caution, fixed penalty notice or warning free for a minimum period of five years, **CRBDBS** checks will be required once in every three-year period, usually upon renewal of their licence. If a conviction, caution or warning is imposed after the licence has been issued or renewed and it attracts more than 5 points on the convictions points scheme the driver will be required to obtain annual **CRBDBS** checks.

3.7. **Relevance of Convictions and Cautions**

3.7.1. In relation to the consideration of convictions and cautions recorded against applicants, the Council will use the Breaches of Licensing Conditions and Convictions Scheme set out in Schedule 3.

3.8. **Application Procedure**

3.8.1. An application for a driver's licence must be made on the specified application form. The application procedure is set out in Schedule 5.

3.9. **Grant and Renewal of Drivers Licences**

3.9.1. Application forms, supporting documents and appropriate fees must be submitted at least ~~ten working days~~ **fourteen days** prior to the expiry of the previous licence. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy.

3.9.2. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received. Any subsequent application will be treated as a new application and drivers will be required to meet the standards required of a new driver.

3.10. **Conditions of Licence**

- 3.10.1. It is considered that the conditions set out in Schedule 2 are reasonable, necessary and proportionate for all licensed drivers.

3.11. **Convictions during period of licence**

- 3.11.1. Where offences resulting in conviction are committed by licensed drivers, it is important, in the interests of consistency and transparency, that a procedure should be in place to consider what effect this should have on their hackney carriage or private hire driver's licence.
- 3.11.2. Driver's licence holders, who are convicted of any, caution, criminal or motoring offence during the period covered by their existing licence, must disclose the conviction and the penalty involved to the Council within ten working days of the conviction. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.
- 3.11.3. Licensed drivers are obliged to notify the Council without delay of any criminal convictions. Where **CRBDBS** certificates are not required every 12 months, it is essential that this requirement is strictly adhered to and accordingly any breaches of this requirement will be dealt with on the Breaches of Licensing Conditions and Convictions Scheme.
- 3.11.4. Drivers must notify the Council without delay if they are subject to an investigation for any offence other than a minor motoring offence.
- 3.11.5 If a licensed driver is convicted of dangerous, careless, reckless or inconsiderate driving they will be referred to the Appeals and Regulatory Committee who can require the driver to produce evidence they have successfully passed the 'Driver **and Vehicles** Standards Agency' [DVSA] practical test within a specified time period. The relevant DVLA licence codes for these offences are CD10-CD90 and DD 40-DD90. If the test is not passed within the time period specified the drivers' licence may be suspended pending referral back to the Appeals and Regulatory Committee.
- 3.11.6 For drivers the Breaches of Licensing Conditions and Convictions Schedule 3 will be applied as part of the application process or for incidents occurring within the life of the licence.

3.12. **Code of Licensed Drivers**

- 3.12.1. Adopting a code for licensed drivers serves to promote the Council's licensing objectives in respect of the hackney carriage and private hire trade. The standards expected of licence holders are detailed in the Code of Licensed Drivers included in this policy document as Schedule 4 and should be read in conjunction with the other statutory and policy requirements detailed in this document.

4. Enforcement Measures

4.1. Enforcement

- 4.1.1. It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade.
- 4.1.2. In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will operate a proportionate enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in Section 1.3.1 of this Policy.
- 4.1.3. In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holders ability to fulfil the 'fit and proper' test, a Breaches of Licensing Conditions and Convictions Scheme will be utilised. The scheme, as described in Schedule 3 will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement,

4.2. Delegated Powers

- 4.2.1. All Officers of the Council, duly authorised under the Council's Scheme of Delegation, are responsible for the day to day operation of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the Policy.
- 4.2.2. The following powers are specifically delegated to the Environment Manager or to the Manager of the Licensing function, ~~and Senior Licensing Officers,~~ Licensing Officers, ~~Enforcement Officers~~ and Vehicle Examiners, subject to the post holder/s being competent to exercise the powers.
 - ~~suspension of existing licences in urgent situations. In consultation with the Chair or the Vice-Chair of the Appeals and Regulatory Committee, the suspension or revocation (either with immediate effect to protect public safety) in urgent situations, including when an arrest or charges relating to serious offences have been made or laid.~~
 - refusal to renew existing licences
 - refusal of new applications
 - amendments to Schedules of this Policy
 - representations regarding the application of the Policy or Conditions in individual cases.

4.2.3. The following powers are delegated to the Appeals and Regulatory Committee

- The formulation and adoption of the Council's Hackney Carriage and Private Hire Licensing Policy
- Hearing applications or reviews of licenses when the Breaches of Licensing Conditions and Convictions Scheme requires a Committee Hearing.
- Consideration of suspensions of licenses when charges relating to serious offences have been laid.

5. Private hire operators

5.1. Introduction

5.1.1. Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 no person shall in a controlled district operate any vehicle as a private hire vehicle without having a current Private Hire Operator's licence. A Local Authority shall not grant a licence unless they are satisfied that the applicant is a 'fit and proper person' to hold an Operator's licence.

5.1.2. In determining whether an applicant is 'fit and proper' to operate private hire vehicles and drivers in Chesterfield the Council shall have regard to the following factors:

- Any previous convictions of relevance;
- The applicant's financial standing;
- The applicant's general character;
- The applicant's knowledge and experience of the private hire profession;
- The applicant understanding of his/her responsibility as a private hire operator and their commitment to abide by the terms and conditions of the private hire operator's licence.

5.1.3. Only when the Council is satisfied on all these points will it consider granting/renewing a private hire operator's licence. However, before granting the licence the Council will have to be satisfied that the premises from which the applicant intends to operate is suitable.

5.1.4. The suitability of the premises will be dependent upon its location, size, decor and facilities. Planning approval (if necessary) must be obtained before an application to operate from a particular premise is considered.

5.1.5. When the Council is satisfied with the fitness of the applicant and the suitability of the applicant's premises then a private hire operator licence can be granted/renewed subject to standard terms and conditions plus any other special conditions which the Council deems necessary.

5.1.6. The Council takes the view that as the person responsible for recruiting private hire vehicles and drivers, for accepting bookings and for fulfilling

customer expectations, the role of the private hire operator is crucial. It is he/she who can set the standards expected by the Company and ensure that vehicle proprietors and drivers meet those standards and customers expectations. It is also important that the private hire operator recognises the role of the Council as the Licensing Authority and works in partnership with the Council to achieve high standards.

5.1.7. The aim of the Council's policy is therefore to ensure that only persons who are honest, professional and committed to meeting the Council's high standards are licensed as private hire operators in Chesterfield. It is hoped that through this policy the Council, the private hire trade and ultimately the people of Chesterfield will benefit from a high quality, professional private hire service.

5.2. Detailed consideration of 'fit and proper'

5.2.1. Every applicant (unless he/she is currently a licensed driver with the Council) will be required to;

- provide a Statutory Declaration; and
- Provide a Subject Access Search or Basic Disclosure from Disclosure Scotland (visit www.disclosurescotland.co.uk / 0870 6096006).

In respect of an application from a partnership, each and every partner will be required to submit a separate Statutory Declaration and ~~PNGSubject Access Search~~ check.

5.2.2. In respect of an application from a limited company, each director, company secretary and the person who is the manager of the private hire operation will be required to submit a separate Statutory Declaration and ~~PNGSubject Access Search~~ check. In addition details of any convictions against the company will need to be submitted to the Council for consideration.

5.2.3. The Council will only accept a Statutory Declaration and ~~PNGSubject Access Search~~ Check relating to an individual that has been produced within the last 3 months. Further Statutory Declarations and ~~Subject Access SearchPNG~~ checks will be undertaken every 3 years.

5.2.4 The applicant must satisfy the Council that he/she is fit and proper to be granted a private hire operators licence. Every applicant (unless he/she is currently a licensed driver with the Council) will be required to:

- Provide a Statutory Declaration
- Provide a ~~Subject Access Search, Police National Computer~~ Check
- Operators from other countries will be required to provide a Certificate of Good Conduct from the embassy of any country where they have been domiciled before entering the UK and be no older than 3 months at time of presentation

5.2.4. The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licences. They are required to disclose all convictions, including those that would normally be regarded as spent. . For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

5.3. **Previous Convictions**

- 5.3.1. In view of the significant responsibility held by private hire operators in terms of setting standards for their company, recruiting vehicles and drivers, and dealing with members of the public the Council believes that the operator must be a person of good character and should be an example to all those whom he/she employs or allows to drive on his/her behalf.
- 5.3.2. The Council therefore insists that applicants must at least fulfil the same requirements as applicants for private hire driver's licences in terms of being free from serious convictions. Serious convictions includes any formal cautions. The Councils "Breaches of Licensing Conditions and Convictions Scheme Schedule 3 will be applied to applicants with convictions.

5.4. **Private Hire/Hackney Carriage Offences and Non- Compliance with Licence Conditions**

- 5.4.1. Any previous conviction that relates to an offence committed (in any licensed district) by the applicant while working as a Hackney Carriage or Private Hire Proprietor, Driver or Operator is regarded as extremely serious and the application is likely to be refused or an existing licence revoked. An application will be considered where the applicant can show at least 3 years free from such convictions although if the applicant has more than one such conviction then a period of at least 5 years will apply.
- 5.4.2. This includes any offence against the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. In addition at the time of renewal of any private hire operator's licence the Council will consider the applicant's compliance with the licence conditions. In cases where there have been minor breaches of the licence conditions, these will not usually prevent renewal of a licence but the applicant should be issued with a warning as to their future conduct.
- 5.4.3. In the case of more serious breaches of the licence conditions such as:
- 5.4.4. where there is evidence of a repeated failure by the applicant to ensure that vehicles are maintained in a roadworthy condition; and/or
- 5.4.5. there has been 2 or more (or 5% of the number of vehicles operated, whichever is the greater) convictions for plying for hire in any 12 month period of drivers working for an applicant and the applicant is unable to demonstrate that she/he has taken effective action to prevent such plying for hire
- 5.4.6. then in such cases the Council will usually refuse to renew the licence.
- 5.4.7. This list is not exhaustive and should not be regarded as the only examples of serious breaches of the licence conditions.

5.5. **Financial Considerations**

- 5.5.1. Applicant's for the grant of a licence must demonstrate that he/she is solvent, of sound financial standing and free from any past financial irregularities. A reference will be required from the applicant's bankers to this effect. In respect of existing licensed operators, a financial reference will only be required if the Council believes that they may not be solvent or of good financial standing.
- 5.5.2. If the applicant has been declared bankrupt then an application will be refused or an existing licence revoked. An application will not be considered until their bankruptcy has been discharged.
- 5.5.3. If the applicant has been a director of a company that has gone into administration, then an application will usually be refused or an existing licence revoked. In cases where an applicant has been disqualified from being a director of a company, then an application will not be considered until their period of disqualification has expired.

5.6. **General Character**

- 5.6.1. As the person ultimately responsible for delivering a service to the public the Operator is expected to be a person of integrity. In particular the operator should be professional, amenable, decent and should display an even temperament at all times. Two character references will be required from persons of standing within the community or a professional person and who have known the applicant for at least two years. The person providing the reference must not be related to the applicant.
- 5.6.2. Persons from whom references may be provided include:
 - Any person with professional qualifications (e.g. accountant, solicitor, teacher)
 - Bank or Building Society Official
 - Civil Servant
 - Justice of the Peace
 - General Practitioner
 - Ministers of Religion
 - Director or Secretary of a Limited Company
 - Councillor (though not a Councillor sitting on the Appeals and Regulatory Committee).
- 5.6.3. The Council will carry out checks on persons who have acted as references in order to confirm their authenticity. References will not be required if the applicant already holds a hackney carriage or private hire driver's licence issued by the Council.

5.7. **Experience/Knowledge of Private Hire Trade**

- 5.7.1. It is desirable for applicants to have a working knowledge of the private hire trade preferably gained in Chesterfield as either a proprietor, driver or operator. This will help ensure the applicant understands the Council's

requirements (and can satisfy them) and should assist the Operator in establishing his/her business and in delivering the service required.

5.8 The Applicant's Premises

5.8.1 The applicant's premises MUST be within the Borough of Chesterfield. Written planning permission for the premises to be used as a private hire booking office must be obtained from the Directorate of Regeneration prior to submitting an application for a private hire operator's licence. Where planning permission is deemed unnecessary then evidence of this must be produced in writing.

5.8.2 Once the appropriate Planning Approval has been obtained the application can be considered. However if the applicant proposes to allow members of the public to wait at the premises from which the applicant intends to operate, before granting the operator's licence officers will inspect the premises to ensure that they are suitable for accommodating members of the public and are properly furnished.

5.9 Processing the Application

5.9.1 Once a fully completed application form (including the fee) has been received by the Licensing Officer accompanied by references and evidence of planning approval (if necessary) for the premises to be used then consultations will be carried out with Derbyshire Constabulary.

5.9.2 Following completion of these consultations and on receipt of all the information required from the applicant, any inspections or meetings, which are necessary, will take place between the applicant and the Licensing Officer. If there are no objections to the application and the Licensing Officer is satisfied that the applicant is a fit and proper person, the Licensing Officer will issue the licence.

5.9.3 The Appeals and Regulatory Committee will hear any applications referred as a result of using the Breaches of Licensing Conditions and Convictions Scheme, objections received to the grant of the licence, concerns over financial reference or where the Licensing Officer considers that the applicant is not a fit and proper person.

5.9.4 The Council will aim to process an application within 28 days of receipt if all the additional supporting information has been received (e.g. [subject access search](#) PNG /statutory declaration,, references, including financial etc).

5.9.5 Successful applicants will have their licence granted by the Licensing Officer subject to the standard terms and conditions plus any additional conditions which members may deem necessary.

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5.10 Renewal of Licence

5.10.1 The Operator's licence must be renewed on an annual basis. The form, together with the appropriate licence fee and documentation must be submitted to the Licensing Officer at least ~~14 days~~ [10 working days](#) prior to the expiry of the current licence.

5.10.2 Providing there are no objections or there has been no serious breaches of the licence conditions in the past 12 months then the licence will normally be

renewed by the Licensing Officer. If there are objections or there has been a serious breach of the licence conditions then the application will be referred to the Appeals & Regulatory Committee for consideration.

5.10.3 If an existing licensee fails to renew their licence prior to its expiry, then the Council shall not renew the licence but the person/organisation concerned will have to submit a new application. Including a new Statutory Dec/[Subject Access Search](#) check, written confirmation from their banker confirming that they are of good financial standing and new character references which might mean you cannot work for a period of time.

6. Fares

- 6.1. Hackney Carriage Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. The Council considers it good practice to review the fare scales at annual intervals and will consult with the trade and follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976.
- 6.2. When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed.
- ~~6.3.~~ Out of District journeys can be negotiated prior to the commencement of the journey in both Private Hire Vehicles and Hackney Carriages.
- ~~6.4-6.3.~~
- ~~6.5.~~
- ~~6.6-6.4.~~ A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.
- ~~6.7-6.5.~~ Private Hire Operators may set their own fares but if a meter is used the fare chart must be displayed in each vehicle so that it is easily visible to all hirers

7. Meters

- 7.1. ~~All After three months from the introduction of this policy all~~ hackney carriages are required to be fitted with a ~~meter~~[taximeter](#) installed by an approved ~~meter~~[taximeter](#) installer.
- 7.2. The ~~meter~~[taximeter](#) fitted in a Hackney Carriage will be sealed and calendar controlled to the current tariff as set by the Council.
- 7.3. Private hire vehicles, that have a meter fitted, will ensure that they are sealed and calendar controlled, and set to the current tariff set by the vehicle's private hire operator.

- 7.4. The meter/taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is CBC compliant. The certificate issued must be available for inspection on the vehicle.
- 7.5. Seals must be intact at any time that the vehicle carries a licence plate except when at an approved installers premises.

8. Fees

8.1. Fee Structure

- 8.1.1. The legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of hackney carriages and private hire vehicles. The fees for taxi vehicle licensing will also include the cost of any unmet demand survey that might be carried out.
- 8.1.2. The Council is entitled to charge a 'reasonable fee' for processing of an application for an operator's licence. This fee will be sufficient to enable the Council to recover its costs associated with determining the licence application and undertaking enforcement activities to ensure compliance with the licence conditions. The fee charged will be on a sliding scale, depending upon the number of vehicles that the applicant intends to operate.

9. TAXI Consultative Committee

- 9.1. The council believes that it is important to liaise with the trade by means of a formal meeting. The terms of reference for the meeting is contained in Schedule 6.

10 EQUAL OPPORTUNITIES

You must read the Council's Equal Opportunities Policy, a copy of it is attached to these conditions.

You must treat everybody equally. This means that you must not let a person's age, sex, marital status, disability, race, religion or sexuality affect the way that you treat them.

Hackney Carriage and Private Hire Licensing Policy

Schedule 1

Licence Conditions for Hackney Carriage and Private Hire Vehicles

It is the vehicle license holder or operator who is responsible for complying with these conditions unless otherwise stated in a condition.

These conditions will apply to all vehicles licensed as Hackney Carriages or Private hire vehicles and where appropriate subject to extra conditions for executive hire and stretch limousines.

Where conditions are subject to interpretation the decision of the Licensing Officer will be final and will be confirmed in writing and thereafter form part of the conditions for the vehicle concerned.

1. Vehicle Requirements

- 1.1. The vehicle must comply in all respects with Road Vehicles (Construction and Use) Regulations 1986 (as amended) and the Road Vehicles Lighting Regulations 1989 (as amended) and any other legislation relating to the construction or use of passenger vehicles.
- 1.2. Imported vehicles must meet one of the following standards
 - European Whole Vehicle Type Approval
 - British National Type Approval
 - Individual Vehicle Approval
- 1.3. The vehicle must be right hand drive.
- 1.4. All seats within the licensed vehicles must be either forward or rear facing and shall be fitted with a 3-point belt or lap belt for use by each passenger. Stretch limousines may have side facing seats but must meet the seat belt condition.
- 1.5. Evidence must be produced at the time of licensing to show that an LPG conversion has been carried out by an agent approved by the manufacturer or in the case of LPG conversions, the fitting agent is approved by the LPG association.
- 1.6. Electric and hybrid vehicles are acceptable but must meet all other vehicle conditions.
- 1.7. Tyres must conform to the current EC or BS standard for tyres. (this includes remoulds and retreads)
- 1.8. The arrangements for storing luggage must not obstruct the use of any exit from the vehicle or be likely to cause injury to a passenger.
- 1.9. There must be sufficient means for passengers and drivers to communicate.
- 1.10. The maximum vertical height acceptable between the road and first step or floor of vehicle is 300 mm. A step/steps must be provided to vehicles where this measurement is exceeded. If a fixed step is fitted to the vehicle and is capable of being extended beyond the bodyline, it must be designed, or have a warning device fitted, so the vehicle cannot be driven away with the step extended.

Chesterfield Borough Council

- 1.11. Every hackney carriage shall be black with the exception of the bonnet and boot/tailgate which shall be white. The colours must be permanent or self adhesive film designed to be permanently applied.
- 1.12. Replacement Hackney Carriages must not be older than the vehicle it replaces and should have the same capabilities regarding wheelchair accessibility, i.e. a wheelchair accessible vehicle can only be replaced by another wheelchair accessible vehicle.
- 1.13. Vehicles used as substitute hackney carriages for reasons of disrepair and/or accident need not comply with the standard livery provided that:
- 1.14. The substitute hackney carriage is tested by the licensing authority and an application for a temporary hackney carriage licence is made;
- 1.15. The substitute hackney carriage is not used for more than a period of two months from the date of written permission by the Council.
- 1.16. The original plates must be returned to the licensing authority
- 1.17. Private hire vehicles shall be one colour only, the colour must be permanent or self adhesive film designed to be permanently applied.
- 1.18. Only drivers licensed by Chesterfield Borough Council are permitted to drive vehicles licensed by this council.

2.Vehicle Maintenance

- 2.1. The vehicle shall be maintained in a safe mechanical and structural condition at the manufacturer's service intervals such that it is capable of satisfying these conditions at any time during the continuance of the vehicle's licence. Records of maintenance must be kept and produced within 10 working days if requested by an authorised officer of the Council.
- 2.2. The interior and exterior of the vehicle must be kept clean, in good order and repair, and in every way fit and safe for public use.

3.Vehicle Equipment

- 3.1. The vehicle shall carry the following equipment:
 - The manufacturer's original design of equipment for dealing with punctured tyres must be kept on the vehicle and maintained in a usable condition.
 - Carry a fire extinguisher no smaller than a 1 litre AFFF ~~foam-dry powder~~ extinguisher of a stored pressure type (or equivalent) which complies with both British and European Standards and is marked in accordance with BS.EN3. The extinguisher must be serviced in accordance with BS 5306 and a record kept for inspection by an authorised officer of the Council. The fire extinguisher shall be marked with the registration number or the plate number of the vehicle.
 - Vehicles with fixed bulkheads between drivers and passengers must have a means of communication between driver and passengers and rear compartment heating.

4.Vehicle Signage

- 4.1. The vehicle must comply with the Council's Policy for signage and advertising.

5. Vehicle Licence Plates

- 5.1 The licence plates when issued by the Council shall be securely fixed to the front and rear of the vehicle using the bracket supplied by the Council or if this is not practicable, using screws or rivets to the vehicle bumpers. All licence plates shall be fitted so that they are clearly visible to public view at all times.
- 5.2 The small interior licence plates supplied by the Council shall be affixed to the dashboard of the vehicle and the interior side of the quarter lights on the rear door windows so that they are clearly visible to public view at all times.
- 5.3 The proprietor/operator or driver of the vehicle shall not negligently or wilfully cause or suffer any licence plate to be concealed from public view or allow the licence plate to be defaced, whilst the vehicle licence is in force.
- 5.4 Licence plates issued by the Council remain the property of The Council and must be surrendered to an Authorised Officer or a Police Officer on demand.
- 5.5 Executive Hire and Stretch Limousine Vehicles may display a discreet licence plate as supplied by the Council in the lower left of the front windscreen instead of the external plates and signage, only after having applied for and been granted a Executive Hire license exemption or a Stretch Limousine License.

6. Meters

6.1 Hackney Carriages

- 6.1.1 All Hackney Carriages must have a working [taximeter](#) fitted that meets the requirements of the Hackney Carriage and Private Hire Licensing Policy.
- 6.1.2 [Every taximeter installed in a Hackney Carriage must be sealed with a Chesterfield Borough Council seal. If the driver/operator of the vehicle has any doubts as to the authenticity of the seal they should contact Chesterfield Borough Council immediately for clarification.](#)
- 6.1.3 The certificate issued by the installer must be available for inspection on the vehicle.
- 6.1.4 The driver of a vehicle provided with a [taximeter](#) as aforesaid shall:-
 - ensure that no fare is recorded on the face of the [taximeter](#) prior to the commencement of any hiring;
 - cause the dial of the [taximeter](#) to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
- 6.1.5 A copy of the Council's current tariff shall be clearly displayed in the vehicle. The [taximeter](#) and the operating devices must be sealed by the installer and certificated to confirm that the equipment is CBC compliant and to confirm the rates programmed into the [taximeter](#).
- 6.1.6 If the vehicle is operating as a private hire vehicle under a private hire operator it must clearly display that operator's current fare chart.

6.2 Private Hire Vehicles

- 6.2.1 A private hire vehicle if fitted with a meter must have a meter that meets the requirements of the Hackney Carriage and Private Hire Licensing Policy.

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6.2.2 Every meter installed in a Private Hire vehicle must be sealed with a Chesterfield Borough Council seal. If the driver/operator of the vehicle has any doubts as to the authenticity of the seal they should contact Chesterfield Borough Council immediately for clarification.

6.2.3 The certificate issued by the installer must be available for inspection on the vehicle.

6.2.4 The driver of a vehicle provided with a meter as aforesaid shall:-

- ensure that no fare is recorded on the face of the meter prior to the commencement of any hiring;
- cause the dial of the meter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

6.2.5 A copy of the Operators current fare chart shall be clearly displayed in the vehicle.

6.2.6 The meter shall be set to display the current fare chart adopted by the Operator. The meter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is CBC compliant and to confirm the rates programmed into the meter

7 Insurance

7.1 The proprietor of the vehicle shall not use the vehicle, or permit it to be used as a private hire or hackney carriage vehicle unless a policy of insurance appropriate for its use is in force.

7.2 The Council will not accept an insurance policy for a private hire vehicle that states or implies the vehicle is insured for public hire.

7.3 On request of an authorised officer, the proprietor or driver shall produce a certificate of insurance for examination, or within 10 working days of such a request produce it at the Licensing Counter of the Council.

7.4 The minimum length of an insurance policy that will be accepted by the council is three months.

8 Wheelchair Accessible Vehicles

8.1 Any vehicle that is capable of conveying a wheelchair user shall be:-

8.2 Equipped with ramps or other equipment to permit wheelchair users safe access and egress from the vehicle. Equipment not permanently fixed to the vehicle shall be legibly and indelibly marked with their safe working load and the license number of the vehicle. Adequate means shall be provided to secure the equipment in position when loading/unloading a wheelchair or wheelchair user. Suitable provision must be made to securely stow ramps once the vehicle is in motion;

8.3 Provided with suitable restraining devices to enable a wheelchair user to be safely and securely transported and to comply with legal standards.

9 Accidents

9.1 Should the vehicle be involved in any accident the licensee will notify the council within 72 hours of any accident to such hackney carriage or private hire causing damage materially affecting the safety, performance, or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons therein.

10 Convictions

10.1 The driver/proprietor/operator of the vehicle must disclose in writing, full details of any conviction, Simple Caution, motoring offence and/or fixed penalty notice recorded against them within 10 working days of receiving any such action.

11 Change of Address

11.1 Any proprietor/operator must notify the Council in writing, of any change in their name or address within 10 working days of any such change taking place.

12 Transfer of Interest in Vehicle

If the proprietor/operator (seller) of a licensed vehicle transfers his interest in the vehicle to any other person whatsoever he shall give notice in writing of the transfer to the council, giving the name and address of the person to whom the vehicle has been transferred as soon as is practicable and in any case not later than 14 days after the transfer has become effective.

13. Executive Hire Vehicles

13.1 Must meet the standards required in the Hackney Carriage and Private Hire Licensing Policy.

13.2 Must display the Discreet Plate in the bottom left of the front window and no other external advertising or signage or rear window advertising or signage.

13.3 Drivers must meet the standards of dress in Schedule 4 Conduct of Licensed Drivers

14 Stretch Limousines

14.1 These requirements only apply to 'stretch limousines' i.e. a saloon type vehicle that has undergone an increase in length by extending its wheelbase after manufacture and can seat at least 6 but not more than 8 passengers. Only stretched limousines complying with the requirements below will be considered for licensing as a private hire vehicle.

14.2 The vehicle must not be over 5 years old on first application for licensing.

14.3 DVLA V5 or equivalent shall be produced to authenticate registration.

14.4 Vehicles may be either left or right hand drive providing that they have proof of full Vehicle Type Approval.

14.5 The VIN plate shall display '1L1' to confirm conversion completed by an authorised dealer.

14.6 The vehicle must have a minimum of 4 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism. Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 41 centimetres (16 inches).

14.7 A plate on the door pillar shall confirm the total weight of the vehicle.

14.8 Tyres fitted to the vehicle must be either 235/75R-15 108S (BF Load) OR 225/70R-16107T Town Car Limo Tyre (Reinforced) or other such tyres as deemed suitable by an independent engineer for this application.

14.9 No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.

14.10 Vehicles with this license are exempt from certain of the license and signage requirements as stated in the Hackney Carriage/private Hire Policy. They must display the Discreet Plate in the bottom left of the front window. They may carry the front door Private Hire Signage, or advertising for the rear window and/or additional signage on the front and /or rear doors of the "name " of the vehicle. **They may choose to carry no signage.**

15 Testing and Examination of Vehicles

- 15.1 Vehicles must be tested in accordance with the Hackney Carriage and Private Hire Licensing Policy
- 15.2 Vehicles must have a current test certificate and be maintained in a condition that would enable them to pass a test at any time. Proof of maintenance must be kept with the vehicle. Vehicles may also require testing at the direction of a Licensing Officer.
- 15.3 When tested the vehicle log book must be presented at the test station.
- 15.4 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall be thoroughly examined and tested at least once in every period of 6 months and a copy of the current test certificate kept on the vehicle.
- 15.5 Any authorised Officer or Police Officer can, at any reasonable time inspect the Vehicle and test a Vehicle for its fitness or test a Taximeter (Hackney Carriages) or Meter (Private Hire Vehicles).
- 15.6 An Authorised Officer or Police Officer has the power to suspend the Vehicle Licence until this has been done and they are satisfied that the Vehicle or the Taximeter or Meter meet these conditions.
- 15.7 If a vehicle is presented for test within 28 days of the previous test having expired it will, for the purpose of this policy's penalty points system, be treated as a licensed vehicle.

16 Alterations

- 16.1 Any of the requirements stated in these conditions may be altered at the discretion of the Council. Further advice and guidance may be obtained from the Licensing Section.

17 Periods of Grace

- 17.1 Vehicles licensed at the time of the approval of the Hackney Carriage and Private Hire Licensing Policy will have exemption from the requirements as detailed in the Policy.

Hackney Carriage and Private Hire Licensing Policy

Schedule 2

Licence conditions for drivers of hackney carriage and private hire vehicles

1. Introduction

- 1.1. All drivers' licences allow the driver to drive both hackney carriages and private hire vehicles. However some of these conditions will only apply when the licensed driver is driving a particular type of vehicle as detailed in the conditions.
- 1.2. Drivers of Hackney Carriages should have a copy of the relevant Byelaws and also be aware of the provisions of the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976, all of which contain provisions which, if breached, can result in prosecution or the suspension or revocation of the licence.
- 1.3. Drivers of Private Hire Vehicle must be aware of the Local Government (Miscellaneous Provisions) Act 1976 which contains provisions which, if breached, can result in prosecution or the suspension or revocation of the licence.

2. Drivers Personal Conditions

2.1. Driver Conduct

- 2.1.1. Drivers must have regard to any written code of conduct that might be issued by the Council
- 2.1.2. Drivers are issued with two licence badges, credit card size. One of these badges must be worn at all times they are working as a licensed driver; the other badge must be displayed on the dashboard of the licensed vehicle in the holder supplied.

2.2. Convictions

- 2.2.1. Drivers who are disqualified from driving by any court of law must immediately surrender their Licence and Badge to the Council.
- 2.2.2. Convictions will be considered as detailed in the penalty points scheme.
- 2.2.3. A driver must declare any convictions including simple cautions and spent convictions (including motoring convictions). If any convictions are undeclared the licence will not be granted or if already granted will be revoked.
- 2.2.4. A licensed driver must give the Council written notification of any new criminal convictions or simple or conditional cautions within 10 working days of the conviction. This includes any driving licence endorsements.

- 2.2.5. If a driver is issued with a fixed penalty notice by the police or an authorised officer of the council, including offences of littering or smoking, he/she must inform the Licensing Section within 10 working days of accepting the offer of a fixed penalty.
- 2.2.6. If a driver receives notification through the post of an offence, after being caught on camera, then they must inform the Licensing Section within 10 working days of accepting guilt for the offence.
- 2.2.7. With regard to the situations described in 2.2.5 and 2.2.6 above, the driver must bring the DVLA licence (with any covering letter from Swansea or the postmarked envelope), into the Council for copying, within 10 working days after being returned to them from Swansea. In this case the Council know that an offence has happened and that points may be added to the licence. Details can then be recorded on the Driver's record that they have informed the Council and that they will bring in their DVLA licence when returned to them. This therefore complies with the Council's Conditions for Private Hire/ Hackney Carriage Drivers.
- 2.2.8. If a driver contests the allegation in Court, and is subsequently convicted, and his/her licence endorsed, the 10 working day period to allow for notification would commence on the date of conviction. Clearly if he/she is acquitted, no offence has been committed.

3. Breaches of Licensing Conditions and Convictions Scheme

- 3.1. Drivers holding a licence and who commit an offence or breach these licence conditions or certain of the vehicle licence conditions will be subject to the Council's penalty points scheme. New applicants for a licence will also be considered against the scheme.

4. Passengers

4.1. Transporting

- Drivers must not carry more people in the Vehicle than is specified on the Vehicle Licence.
- When working, drivers cannot allow any other person or animals, other than those travelling with the hirer, to travel in the Vehicle. Where there is more than one hirer (shared taxi/PHV) the hirers must agree to the joint use of the vehicle.
- It is the responsibility of the driver of the vehicle to ensure that all passengers are using the seat belts in accordance with the law.

4.2. Advance Bookings

- 4.2.1 Drivers must not arrive at pre arranged pick up points more than 5 minutes late unless something unavoidable has happened to delay or prevent them from reaching the pick up point. Drivers must contact the hirer or operator to inform them of a late arrival ie more than 5 minutes.

4.3. Destination

- 4.3.1. Drivers must take the shortest route to the destination or, after discussing the matter with the passenger, the quickest, available route. Except where a fixed fare has been agreed beforehand.

4.4. Lost Property

- 4.4.1. If any property has been left in the Vehicle it must, unless it is claimed by the passenger who lost it, as soon as possible, and in any event within 24 hours, be handed in to the nearest Police Station
- 4.4.2. Passengers must receive a written receipt on request.

4.5. Fares - Hackney Carriages Only

- 4.5.1. The current tariff must be displayed where it can be seen easily by passengers.

4.5.2. ~~Meter~~Taximeters must be used to record the fare from, but not before, the start of a journey. ~~Meter~~Taximeters must not be started for disabled passengers requiring assistance before they are seated and secured.

4.5.3. The driver is responsible for ensuring that the seals of the ~~meter~~taximeter are intact whilst they are in control of the vehicle. Drivers must not use a vehicle where the seals have been broken.

4.6. Fares - Private Hire Vehicles Only

4.6.1. Private Hire Vehicles with Meters

4.6.2 The current tariff must be displayed where it can easily be seen by passengers.

4.6.3 Meters must be used to record the fare from, but not before, the start of a journey. Meters must not be started for disabled passengers requiring assistance before they are seated and secured.

4.6.4 Unless there is an agreement with the passenger before the journey commences you cannot charge more than is shown on the Meter at the end of the journey.

4.6.5 The driver is responsible for ensuring that the seals of the meter are intact whilst they are in control of the vehicle. Drivers must not use a vehicle where the seals have been broken.

4.6.6 Private Hire Vehicles without Meters

4.6.7 The passenger cannot be charged more than the charge that was agreed between the passenger and The Operator before the Vehicle was hired.

4.6.8 A fare table must be displayed.

5. Licence Plates

5.1. The driver must ensure that both the vehicle licence disc inside the Vehicle and the Plate outside the Vehicle are clean and can be easily seen.

6. Changes of driver details

6.1. If you change address the Council must be informed in writing of your new address and the licence returned to the Council within 10 working days of such a change

7. Authorised Officers

7.1. A licence must be produced at the request of an Authorised Officer or Police Officer. If the driver does not have their licence available when requested it must be produced at the Licensing Counter of Chesterfield BC within 10 working days.

8. Operation of these conditions

8.1. Breaches of these conditions will be subject to the application of the Penalty Points system however the Council reserves the right to take any appropriate regulatory action in addition to or instead of the penalty Points system.

Hackney Carriage and Private Hire Licensing Policy

Schedule 3

Breaches of Licensing Conditions and Convictions Scheme

1. Introduction

- 1.1. The Breaches of Licensing Conditions and Convictions Scheme is an administrative system that provides a transparent and proportionate method for the Council to act on breaches that have been committed by drivers and operators.
- 1.2. The two objectives of the penalty point's scheme are to improve the standards, safety and protection of the travelling public and to ensure that drivers are treated fairly and proportionately when they breach license conditions.
- 1.3. The Council may consider all the past history of convictions whether spent or not.
- 1.4. This scheme sets out the conditions under which the granting of licences to convicted persons may be considered by the relevant Committee of the Council or for lesser offences and offences that occurred at a distance in time and where there is no history of repetition the granting of licences is delegated to specified officers.
- 1.5. This scheme applies to applicants for a new licence or renewal of a licence or for licensed persons convicted during the currency of an existing licence.
- 1.6. The scheme has been developed to ensure consistency and to be transparent and proportionate for licence holders and potential licence holders. The policy also ensures that minor and or old convictions do not unreasonably penalise potential applicants or require licence holders to repeatedly appear before committees for the same conviction.
- 1.7. [Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits and where appropriate in accordance with the Enforcement Policy](#)

2. Consideration of Convictions

2.1. Non Motoring Convictions

- 2.1.1. For the purposes of this scheme convictions will include Simple Cautions and fixed penalty fines for offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals to which this policy applies. See **Appendix 1** for details of relevant convictions.
- 2.1.2. The criteria uses 9 points as the maximum number of points an applicant can hold in order to obtain a licence. An applicant who demonstrates 10 or more points would have his/her application refused
- 2.1.3. All cases where refusals are indicated will be referred to Committee.
- 2.1.4. A refusal of an application will be given in writing, detailing the reason for the refusal and informing the applicant of his/her right to appeal against the decision to the Magistrate's Court in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

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- 2.1.5. Applications from individuals who are the subject of current criminal investigations and/or are being currently prosecuted for criminal offences will be dealt with on the basis that the person *could* be convicted of the offence.
- 2.1.6. In deciding whether an applicant is fit and proper the Council may consider any other relevant information provided to it by external agencies. If in those circumstances the applicant would then have 10 or more points the application would be refused.

2.2. Motoring Convictions

- 2.2.1. As points are awarded by the Courts for motoring offences the Council will use those points as a basis for granting or removing licences.
- 2.2.2. Motoring convictions adopt different criteria dependant on the conviction(s) disclosed on the licence. Motor convictions are broken into two groups:

Minor road traffic offences (see appendix 2)

Points on licence/other penalty	Action	Delegation
11 or fewer points	Renew or approve licence	Senior Licensing Officer
12 or more points	Refuse or revoke	Senior Licensing Officer
Disqualification	Refuse or revoke Refuse licence for 6 months from the end of disqualification period.*	Senior Licensing Officer

- 2.2.3 A refusal/revocation of an application will be given in writing, detailing the reason for the refusal and informing the applicant of his/her right to appeal against the decision to the magistrates' court in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

Major road traffic offences (see appendix 3);

Points on licence/other penalty	Action	Delegation
One conviction - less than 9 points in total	Renew or approve licence	Senior Licensing Officer
More than one conviction for a major offence or any one major conviction with more than 9 points or one major conviction with more than 9 points in total on the licence	Refer to Licensing Committee	
Any disqualification for a major offence	Refuse licence for 6 months from the end of disqualification period.*	Senior Licensing Officer

*If a period of disqualification has been received on a licence, a period of 6 months must have elapsed from the restoration of the DVLA licence and be free from any other motoring conviction before an application is approved or a licence restored. Should the DVLA licence demonstrate a further conviction since the disqualification period, then a 6 months period must elapse from the date of the last conviction on the DVLA licence before an application is approved or a licence restored

3. Breaches of Licensing Conditions

- 3.1. Points will also be awarded by the Council for breaches of licensing conditions.
- 3.2. Where there is evidence available of a breach of conditions (to balance of probability test) the Licensing Officer or Senior Licensing Officer will place penalty points on the licence holder's record to the levels shown in **Appendix 4**. Where the breaches are more serious these are shown in the table as requiring a referral to Councils Appeals and Regulatory Committee as well as receiving points to be recorded against future conduct.
- 3.3. Penalty points will remain on the record for a rolling 36month period from the time of conviction for the first offence.
- 3.4. Where a licensee accumulates more than 12 penalty points in any 36 month period the matter will be referred to the Councils Appeals and Regulatory Committee for the committee to decide whether the driver is a "fit and proper" person. The Committee will determine each case subject to the licensing legislation and any evidence presented.
- 3.5. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing within 10 working days from the decision to place the points on record. The decision to record points will only be made after discussion with the licence holder as part of the investigation into alleged breaches.

3.6. Appeal Process

- 3.6.1. Licence holders may make representations to the ~~Environmental Health Head Manager of Environment~~ at any stage and up to 10 days after the confirmation notice is received.
- 3.6.2. The penalty point's scheme will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
- 3.6.3. Once points are given the Council will take no further action over the individual issue that has led to the breach of conditions and they will only be cumulatively considered.
- 3.6.4. Points will be given to relevant breaches of conditions where these breaches are also the subject of other action eg prosecution or referral to Committee and will be in addition to any other penalty. Committees may award up to 12 points as part of or in addition to any penalty they might impose for issues brought before them.

Appendix 1

CONVICTION POINTS SCHEME

Points are doubled if a term of imprisonment is served and tripled if the sentence is greater than 2 1/2 years.

Points are doubled for a racially aggravated offence.

Any person with three or more convictions (that would each result in a refusal of a licence using this scheme), over any period of time to be referred to Committee.

Table 1 – Dishonesty

DATE SINCE CONVICTION RECEIVED	12 mth ago (1 Year)	24 mth ago (2 Years)	36 mth ago (3 Years)	48 mth ago (4 Years)	60 mth ago (5 Years)	72 mth ago (6 Years)	84 mth ago (7 Years)	96 mth ago (8 Years)	108 mth ago (9 Years)	120 mth ago (10 Years)
TYPE OF OFFENCE	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
DISHONESTY										
1 Theft	Refused	Refused	Refused	5	4	3	2	1	0	0
2 Theft - Shoplifting	Refused	Refused	Refused	5	4	3	2	1	0	0
3 Theft - Employee	Refused	Refused	Refused	6	5	4	3	2	1	0
4 Theft - From Vehicle	Refused	Refused	Refused	5	4	3	2	1	0	0
5 Burglary & Theft - Dwelling	Refused	Refused	Refused	Refused	8	6	4	2	0	0
6 Burglary & Theft - Non Dwelling	Refused	Refused	Refused	5	4	3	2	1	0	0
7 Burglary - Aggravated	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4	2
8 Fraudulent Use	Refused	Refused	Refused	5	4	3	2	1	0	0
9 Handling	Refused	Refused	Refused	5	4	3	2	1	0	0
10 Receiving	Refused	Refused	Refused	5	4	3	2	1	0	0
11 Forgery	Refused	Refused	Refused	5	4	3	2	1	0	0
12 Conspiracy to Defraud	Refused	Refused	Refused	5	4	3	2	1	0	0
13 Obtain Money by Deception	Refused	Refused	Refused	5	4	3	2	1	0	0
14 Obtain Money by Forged Instrument	Refused	Refused	Refused	5	4	3	2	1	0	0
15 Deception	Refused	Refused	Refused	5	4	3	2	1	0	0
16 False Accounting	Refused	Refused	Refused	5	4	3	2	1	0	0
17 False Statement to Obtain Benefit	Refused	Refused	Refused	5	4	3	2	1	0	0
18 Going Equipped	Refused	Refused	Refused	5	4	3	2	1	0	0
19 Taking/Driving or Attempt to Steal Vehicle	Refused	Refused	Refused	5	4	3	2	1	0	0
20 Allow to be Carried in Stolen Vehicle	Refused	Refused	Refused	5	4	3	2	1	0	0
21 Perverting Course of Justice	Refused	Refused	Refused	Refused	8	6	4	2	0	0
22 Any offence similar to those above to be assessed at the closest match.										

Table 2 – Violence

DATE SINCE CONVICTION RECEIVED	12 mth ago (1 Year)	24 mth ago (2 Years)	36 mth ago (3 Years)	48 mth ago (4 Years)	60 mth ago (5 Years)	72 mth ago (6 Years)	84 mth ago (7 Years)	96 mth ago (8 Years)	108 mth ago (9 Years)
TYPE OF OFFENCE	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
VIOLENCE									
1 Common Assault	Refused	Refused	Refused	5	4	3	2	1	0
2 Assault - Section 47	Refused	Refused	Refused	5	4	3	2	1	0
3 Grievous Bodily Harm - Section 20	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
4 Grievous Bodily Harm - Section 18	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
5 Assault Police	Refused	Refused	Refused	6	5	4	3	2	1
6 Affray	Refused	Refused	Refused	5	4	3	2	1	0
7 Riot	Refused	Refused	Refused	Refused	8	6	4	2	0
8 Murder	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
9 Manslaughter	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
10 Manslaughter or Cupable Homicide while Driving	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
11 Using Threatening, Abusive Words or Behaviour	5	4	3	2	1	0	0	0	0
12 Breach of the Peace	3	2	1	0	0	0	0	0	0
13 Drunk and Disorderly	3	2	1	0	0	0	0	0	0
14 Common Assault - Aggravated	Refused	Refused	Refused	6	5	4	3	2	1
15 Obstruction	Refused	Refused	Refused	3	2	1	0	0	0
16 Robbery	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
17 Possess Offensive Weapon	Refused	Refused	Refused	5	4	3	2	1	0
18 Possess Firearm	Refused	Refused	Refused	5	4	3	2	1	0
19 Possess Firearm with intent	Refused	Refused	Refused	Refused	Refused	8	6	4	2
20 Criminal Damage	Refused	Refused	Refused	5	4	3	2	1	0
21 Violent Disorder	Refused	Refused	Refused	8	6	4	2	1	0
22 Resist Arrest	Refused	Refused	Refused	8	6	4	2	1	0
23 Arson	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
24 Any offence similar to those above to be assessed at the closest match.									

Table 3 - Drugs

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DATE SINCE CONVICTION RECEIVED	12 mth ago (1 Year)	24 mth ago (2 Years)	36 mth ago (3 Years)	48 mth ago (4 Years)	60 mth ago (5 Years)	72 mth ago (6 Years)	84 mth ago (7 Years)	96 mth ago (8 Years)	108 mth ago (9 Years)	120 mth ago (10 Years)
TYPE OF OFFENCE	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
DRUGS										
1 Possessing Controlled Drug	Refused	Refused	Refused	Refused	8	6	4	2	0	0
2 Possessing Controlled Drug with intent to Supply	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
3 Producing Controlled Drug	Refused	Refused	Refused	Refused	8	6	4	2	0	0
4 Import Drugs	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4	2
5 Any offence similar to those above to be assessed at the closest match.										

Table 4 – Indecency

DATE SINCE CONVICTION RECEIVED	12 mth ago (1 Year)	24 mth ago (2 Years)	36 mth ago (3 Years)	48 mth ago (4 Years)	60 mth ago (5 Years)	72 mth ago (6 Years)	84 mth ago (7 Years)	96 mth ago (8 Years)	108 mth ago (9 Years)	120 mth ago (10 Years)
TYPE OF OFFENCE	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
INDECENCY										
1 Indecent Exposure	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
2 Indecent Exposure to the Annoyance of Residents	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
3 Indecent Exposure with intent to insult a Female	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
4 Unlawful Sexual Intercourse	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4	2
5 Sexual Assault	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
6 Indecent Assault on a Female	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
7 Indecent Assault on a Child Under 16 yrs	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
8 Living Off Immoral Earnings	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
9 Prostitution	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
10 Possessing or Distributing Obscene Material	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
11 Rape	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
12 Indecent or Nuisance Telephone Calls	Refused	Refused	Refused	Refused	Refused	Refused	5	4	3	2
13 Any offence similar to those above to be assessed at the closest match.										1

Racially aggravated offences under the Crime and Disorder Act 1998 ie

Assaults

malicious wounding or grievous bodily harm (Section 20 of the Offences Against the Person Act 1861)
 actual bodily harm (Section 47 of the Offences Against the Person Act 1861)
 common assault.

Criminal Damage

destroying or damaging property belonging to another (Section 1(1) of the Criminal Damage Act 1971)

Harassment

harassment (Section 2 of the Protection from Harassment Act 1997)
 intimidation - putting people in fear of violence (Section 4 of the Protection from Harassment Act 1997)
 racially aggravated harassment (Section 32(1)(a) of the Crime and Disorder Act 1998)

Public Order offences

fear or provocation of violence (Section 4 of the Public Order Act 1986)
 intentional harassment, alarm or distress (Section 4A of the Public Order Act 1986)

Table 5 - Licensing Offences

See next page

| These points will only apply after a successful conviction otherwise the points as shown in Appendix 4 will apply.

Chesterfield Borough Council

	DATE SINCE CONVICTION RECEIVED	12 mth ago (1 Year)	24 mth ago (2 Years)	36 mth ago (3 Years)	48 mth ago (4 Years)	60 mth ago (5 Years)	72 mth ago (6 Years)	84 mth ago (7 Years)	96 mth ago (8 Years)	108 mth ago (9 Years)	120 mth ago (10 Years)
	TYPE OF OFFENCE	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
Town Police Clauses Act 1847 Section 40	Offence Giving false information on application for HC(V) proprietor's licence	5	4	3	2	1					
44	Failure to notify change of address of HC(V) proprietor	5	4	3	2	1					
45	Plying for hire without HC(V) proprietors licence	5	4	3	2	1					
47	Driving a HC(V) without HC drivers' licence	5	4	3	2	1					
47	Lending or parting with HC drivers' licence	5	4	3	2	1					
47	HC(V) proprietor employing unlicensed driver	5	4	3	2	1					
48	Failure of HC(V) proprietor to hold HC drivers' licence	5	4	3	2	1					
48	Failure of HC(V) proprietor to produce HC drivers' licence	5	4	3	2	1					
52	Failure to display HC(V) plate	5	4	3	2	1					
53	Refusal to take a fare	5	4	3	2	1					
54	Charging more than the agreed fare	5	4	3	2	1					
55	Obtaining more than the legal fare	5	4	3	2	1					
56	Travelling less than the lawful distance for the agreed fare	5	4	3	2	1					
57	Failing to wait after a deposit to wait has been paid	5	4	3	2	1					
58	Charging more than the legal fare	5	4	3	2	1					
59	Carrying another person than the hirer without consent	5	4	3	2	1					
60	Driving HC(V) without proprietor's consent	5	4	3	2	1					
60	Allowing another to drive HC(V) without proprietors' consent	5	4	3	2	1					
Local Governance Section 49	Offence Failure to notify transfer of HC(V) proprietors' licence	5	4	3	2	1					
50(1)	Failure to present HC(V) for inspection as required	5	4	3	2	1					
50(2)	Failure to inform local authority where HC(V) is stored if requested	5	4	3	2	1					
50(3)	Failure to report an accident to local authority	5	4	3	2	1					
50(4)	Failure to produce HC(V) proprietors' licence and insurance certificate	5	4	3	2	1					
53(3)	Failure to produce HC driver's licence	5	4	3	2	1					
57	Making false statement or withholding information to obtain HC drivers licence	5	4	3	2	1					
58(2)	Failure to return a plate after expiry of notice, revocation or suspension of HC(V) proprietor's licence	5	4	3	2	1					
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	5	4	3	2	1					
64	Permitting any vehicle other than HC(V) to wait on HC stand	5	4	3	2	1					
66	Charging more than the meter fare for a journey ending outside the district without prior agreement	5	4	3	2	1					
67	Charging more than the meter fare when HC(V) used as private hire vehicle	5	4	3	2	1					
69	Unnecessarily prolonging a journey	5	4	3	2	1					
71	Interfering with a taximeter	5	4	3	2	1					
73(1)(a)	Obstruction of an authorised officer or constable	5	4	3	2	1					
73(1)(b)	Failure to comply with requirements of authorised officer or constable	5	4	3	2	1					
73(1)(c)	Failure to give information or assistance to authorised officer or constable	5	4	3	2	1					
Local Section 46(1)(a)	Offence Using an unlicensed PH(V)	5	4	3	2	1					
46(1)(b)	Driving a PH(V) without a PH driver's licence	5	4	3	2	1					
46(1)(c)	Proprietor of a PH(V) using an unlicensed driver	5	4	3	2	1					
46(1)(d)	Operating a PH(V) without a PH operator's licence	5	4	3	2	1					
46(1)(e)	Operating a vehicle as a PH(V) when the vehicle is not licensed as a PH(V)	5	4	3	2	1					
46(1)(e)	Operating a vehicle as a PH(V) when the driver is not licensed as a PH driver	5	4	3	2	1					
48(6)	Failure to display PH(V) plate	5	4	3	2	1					
49	Failure to notify transfer of PH(V) licence	5	4	3	2	1					
50(1)	Failure to present PH(V) for inspection as required	5	4	3	2	1					
50(2)	Failure to inform local authority where PH(V) is stored if requested	5	4	3	2	1					
50(3)	Failure to report an accident to local authority	5	4	3	2	1					
50(4)	Failure to produce PH(V) licence and insurance certificate	5	4	3	2	1					
53(3)	Failure to produce PH drivers licence	5	4	3	2	1					
54(2)	Failure to wear PH driver's badge	5	4	3	2	1					
56(2)	Failure by PH operator to keep records of bookings	5	4	3	2	1					
56(3)	Failure of PH operator to keep records of vehicles operated by him	5	4	3	2	1					
56(4)	Failure to produce PH operator's licence on request	5	4	3	2	1					
57	Making false statement or withholding information to obtain PH driver's or operator's licence	5	4	3	2	1					
58(2)	Failure to return plate after expiry of notice, revocation or suspension of PH(V) licence	5	4	3	2	1					
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	5	4	3	2	1					
67	Charging more than the meter fare when HC used as PH vehicle	5	4	3	2	1					
69	Unnecessarily prolonging a journey	5	4	3	2	1					
71	Interfering with a taximeter	5	4	3	2	1					
73(1)(a)	Obstructing of authorised officer or constable	5	4	3	2	1					
73(1)(b)	Failure to comply with requirement of authorised officer or constable	5	4	3	2	1					
73(1)(c)	Failure to give information or assistance to authorised officer or constable	5	4	3	2	1					
Transport Act 1980 Section 64(2)(A)	Offence Driving a PH(V) with a roof sign which contravenes s64(1)	5	4	3	2	1					
64(2)(b)	Causing or permitting a PH(V) to be driven with a roof sign which contravenes s64(1)	5	4	3	2	1					

**Motoring Convictions
Appendix 2**

Minor Road Traffic Offences

AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours.
AC30	Undefined accident offence
CU10	Using vehicle with defective brakes.
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.
CU30	Using a vehicle with defective tyres.
CU40	Using a vehicle with defective steering.
CU50	Causing or likely to cause danger by reason of load or passengers.
CU60	Undefined failure to comply with Construction and Use Regulations.
CU80	Using a mobile phone while driving a motor vehicle
LC10	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS10	Leaving a vehicle in a dangerous position.
MS20	Unlawful pillion riding.
MS30	Playstreet Offences.
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test.
MS50	Motor racing on the highway.
MS60	Offences not covered by other codes.
MS70	Driving with uncorrected defective eyesight.
MS80	Refusing to submit to an eyesight test.
MS90	Failure to give information as to identity of driver etc.
MW10	Contravention of Special Road Regulations (excluding speed limits).
PC10	Undefined Contravention of Pedestrian Crossing Regulations.
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle.
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle.
PL10	Driving without 'L' plates.
PL20	Not accompanied by a qualified person.
PL30	Carrying a person not qualified.
PL40	Drawing an unauthorised trailer.
PL50	Undefined failure to comply with conditions of a Provisional Licence.
SP10	Exceeding goods vehicle speed limit.
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles).
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit.
SP50	Exceeding speed limit on a motorway.
SP60	Undefined speed limit offence.
TS10	Failing to comply with traffic light signals.
TS20	Failing to comply with double white lines.
TS30	Failing to comply with a 'Stop' sign.
TS40	Failing to comply with direction of a constable or traffic warden.
TS50	Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines).
TS60	Failing to comply with school crossing patrol sign.
TS70	Undefined failure to comply with a traffic direction or sign.
TS99	To signify a disqualification under 'totting up' procedure. If the total of penalty points reaches 12 or more within 3 years the driver is liable to be disqualified.

Appendix 3

Major Road Traffic Offences

CD10	Driving without due care and attention.
CD20	Driving without reasonable consideration for other road users.
CD30	Driving without due care and attention or without reasonable consideration for other road users.
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving with alcohol level above the legal limit
CD60	Causing death through careless driving then failing to supply a specimen for analysis
CD70	Causing death through careless or inconsiderate driving
CD80	Causing death by driving: unlicensed, disqualified or uninsured drivers.
IN10	Using a vehicle uninsured against third party risks.
BA10	Driving while disqualified by order of Court.
BA20	Driving while disqualified as under age.
BA30	Attempting to drive while disqualified by the court.

An application received which details one of the following offences on the DVLA licence (DD30, DD60, and DD70) will automatically be refused or a current licence suspended or revoked. Other offences covered in this section will be treated under the dishonesty/violence category as detailed in the Criminal Convictions section.

Offences covered under this section INCLUDE: -

DD30	Reckless driving.
DD60	Manslaughter or culpable homicide while driving a vehicle.(see under violence)
DD70	Causing death by reckless driving.
UT10	Taking or driving away a vehicle without consent or an attempt thereof (see under dishonesty).
UT20	Stealing or attempting to steal a vehicle (see under dishonesty).
UT30	Going equipped for stealing or taking a vehicle (see under dishonesty).
UT40	Taking or attempting to take a vehicle without consent, driving or attempting to drive a vehicle knowing it to have been taken without consent, allowing oneself to be carried in or on a vehicle knowing it to have been taken without consent (see under dishonesty).
UT50	Aggravated taking of a vehicle

(c) Drive a Motor Vehicle under the influence of drink or drugs

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An application with one conviction on the DVLA licence under this category will be accepted providing a 12 month's period has elapsed since the restoration of his DVLA licence. More than one conviction of this type and the application will be refused.

Offences covered under this section INCLUDE: -

DR10	Driving or attempting to drive with alcohol level above limit.
DR20	Driving or attempting to drive while unfit through drink or drugs.
DR30	Driving or attempting to drive then refusing to supply a specimen for analysis.
DR40	In charge of a vehicle while alcohol level above limit.
DR50	In charge of a vehicle while unfit through drink or drugs.
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive.
DR70	In charge of a vehicle when unfit through drink or drugs.

Appendix 4

Breaches of Licensing Conditions/Policy/legal requirements/Code of Conduct not subject to prosecution

The Council reserves the right to issue points for matters that are covered by legislation or any Council conditions or Policies relating to hackney Carriages where Officers are satisfied that there is evidence of the breach. The Council will also use the enforcement policy to decide whether to award points or to prosecute a driver or operator where there is an offence. The Council will where appropriate also pass evidence to other relevant enforcement authorities.

Offence/ Breach of Condition	Points Applicable	Application	
		Driver	Person responsible for the vehicle condition*.
Providing false or misleading information on licence application form/failing to provide relevant information or relevant fee (including dishonoured cheques)	6	X	X
Failure to notify, in writing, a change of address within 10 working days	3	X	X
Refusal to accept hiring without reasonable cause	10	X	
Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	X	
Plying for hire by private hire drivers	12	X	X
Failure to display current vehicle excise licence	4		X
Using unlicensed vehicle or vehicle without insurance	12 + Committee		X
Failure to produce relevant documents within timescale when requested by an Authorised Officer	4	X	X
Failure to provide proof of insurance cover when requested	6	X	
Failure to produce hackney carriage or private hire vehicle for testing when required	4		X
Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer	12 + Committee	X	X
Failure to maintain a vehicle in a safe mechanical and structural condition (VOSA classes I or D).	6		X
Using a vehicle for which the licence has been suspended or revoked	12 + Committee	X	X
Failure to notify an accident or damage to a licensed vehicle within 72 hours of the occurrence if the damage would materially affect the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.	4	X	X
Carrying more passengers than stated on the licence	6	X	
Failure to display external/internal licence plate or signs as required	4		X
Failure to notify transfer of private hire or hackney carriage vehicle licence within 14	4		X

Policy with suggested amendments for consideration by Appeals and Regulatory Committee on 10/09/14.

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<u>days</u> 10 working days of sale			
Displaying signs or advertisements in or on the vehicle that do not meet the requirement of the Policy of Conditions	3		X
Failure to use a roof light that does not meet the requirements of the Conditions of Policy	4	X	
Failure to maintain records in a suitable form of the start and finish of work of each driver each day	4		X
Failure to produce on request records of drivers work activity	4		X
Using a meter/ <u>taximeter</u> that does not meet the requirements of the Policy or Conditions.	9	X	X
Obstruction of an authorised officer or police officer.	12	X	X
Displaying any feature on a private hire vehicle that may suggest that it is a taxi	6		X
Failure to carry an assistance dog without requisite exemption	10	X	X
Driver not holding a current DVLA licence	12 +Committee	X	X
Failure to wear drivers badge	4	X	
Failure to notify in writing, a change in medical circumstances	6	X	X
Failure to comply with schedule 4 of the policy regarding dress code	3	X	
<u>Failure to comply with schedule 4 of the policy regarding smoking</u>			
Failure to comply with schedule 4 of the policy regarding driver conduct	6	X	
Fail to comply with the requirements for rank etiquette	6	X	
Fail to comply with bye-laws not specifically covered in this schedule	3	X	
Causing a private hire vehicle to drop off, pick up or park on a marked rank	3	X	
Failure to maintain proper records of private hire vehicle	3		X
Failure to keep or produce records of private hire bookings or other documents required to be kept or produced	6		X
Misleading use of the words 'taxi' or 'cab' on advertising materials	3		X
Failure to issue receipt on request	4	X	X
Failure to notify the Licensing section, in writing , of any motoring or criminal conviction within 10 working days of conviction, caution, motoring offence or fixed penalty during period of current licence	6	X	X
Fail to notify the Licensing section at the earliest opportunity and in any case within 24 hours, of being the subject of an investigation for other than a minor motoring offence. Such notification to be in writing.	6	X	X
Failure to display fare card	3	X	X
Failure to attend punctually at appointed time and place without sufficient cause	4	X	X
Failure to surrender a hackney	4	X	X

Policy with suggested amendments for consideration by Appeals and Regulatory Committee on 10/09/14.

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carriage/private hire drivers licence/badge/plate after suspension, revocation or refusal to renew			
Operating the horn and/or shouting as a means of signalling that the vehicle has arrived	3	X	X
Failure to take lost property to a Police Station	4	X	X
Failure to comply with wheelchair requirements including provision of ramps and straps.	4	X	x
<u>Smoking or using an e-cigarette in a licensed vehicle</u>	<u>3</u>		
failure to comply with any other conditions	3	X	X

Crosses indicate potential recipients of penalty points for breaches.

N.B. certain breaches may result in one of several persons receiving points depending upon the nature of the infringement; however each case must be determined on its own merits. Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

The number of points will be doubled if aggravated on the grounds of any of the protected characteristics from the Equality Act 2010, that is a persons age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. ~~race, religion, age, gender, disability or sexual orientation.~~

Persons responsible for the vehicle will include the owner of the vehicle, any person hiring the vehicle or person responsible for organising the maintenance of the vehicle if licensed (otherwise the driver). This part does not apply to Private Hire Operators unless the vehicle is under their direct control.

Hackney Carriage and Private Hire Licensing Policy

Schedule 4

Conduct of Licensed Drivers

Dress code

Licensed drivers are expected to follow a dress code. Drivers failing to keep to this code are likely to receive penalty points under the council's penalty point scheme. The code is detailed below.

Shirts/t-shirts and sweat tops should cover shoulders and must be capable of being inside trousers or shorts.

Shirts may be worn without a tie.

Shorts may be worn but they must be tailored. And knee length.

Footwear should fit around the heel of the foot.

Unacceptable standards of dress

- Dirty clothing
- Ripped, snagged or holes in clothing
- Words or graphics on any clothing that is offensive or suggestive
- Sports shirts, like football, rugby or cricket tops
- Track suits
- Studs or sharp edges to clothing
- Mules, flip-flops and other beach-type footwear
- Pronounced heels to shoes
- Short skirts
- Drivers of Executive Hire Vehicles should be dressed to a "business standard".

Driver Conduct

Drivers must be professional, show courtesy and be respectful towards all members of the public, including fellow drivers and operators. Discriminatory behaviour on the grounds of race, religion, gender, age, disability or sexual orientation will not be tolerated.

When arriving at a rank drivers should place their car at the front of the stand or immediately behind any car already at the stand. Hackney drivers must respect rank etiquette. Attention is

Policy with suggested amendments for consideration by Appeals and Regulatory Committee on 10/09/14.

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drawn to points 7 to 14 of the Chesterfield Borough Bye-Laws that are included as part of this schedule.

Drivers must show reasonable consideration to other road users.

Smoking is not permitted in any licensed vehicle at any time.

Drivers must not use an e-cigarette or similar while inside a licensed vehicle.

Drivers must not use discreditable conduct.

Drivers should assist passengers with their luggage.

Drivers must not use offensive language

Ive noticed that no where in Schedule 2, ie Drivers that it says anywhere that there are two drivers badges or that one has to be worn and one displayed in the vehicle. As we give points for failure to wear (maybe we should include display in vehicle too in Appendix 3?) then I think it should be included in the conditions ...currently the only place it mentions it is Shedule 5 and exisiting drivers may not read this.

Hackney Carriage and Private Hire Licensing Policy

Schedule 5

Application Guidance

1.0 Introduction

- 1.1 This guidance should be used by anyone wishing to obtain a Hackney Carriage/private hire vehicle driver's license which will enable them to drive a hackney carriage/private hire vehicle licensed with the Borough of Chesterfield.
- 1.2 This guidance also includes information in respect of licensing a vehicle to be used as a private hire or a hackney carriage.

1.3 Enforcement Measures

The Council recognizes that well directed enforcement activity by the Council benefits the public and the members of the hackney carriage/private hire trade.

The Council aims to operate a consistent and proportionate enforcement regime to balance the need of public safety alongside that of an individual's business. In order to ensure compliance with the Council's Hackney Carriage and Private Hire Policy a 'Breaches of Licensing Conditions and Convictions Scheme' will be used, included in your application pack as Schedule 3. This aims to serve not only as an early warning system to drivers and should be read carefully on application but also as a consistent and transparent means of enforcement.

1.4 Code of Good Conduct

Schedule 4 of the Hackney Carriage and Private Hire Policy aims to promote a responsible hackney carriage and private hire trade. It details the standards expected of license holders.

2.0 To be able to apply for a license

- 2.1 Due to the application process, you must be able to;
- ❖ Read and write
 - ❖ Have held a full driving license (not a provisional) for at least 12 months
 - ❖ Have a good knowledge of the Chesterfield and surrounding areas
 - ❖ You must be a fit and proper person

3.0 Starting the Application

- 3.1 You need to contact the licensing team on 01246 345230 or licensing@chesterfield.gov.uk to request an application pack. Although this pack can be posted to you it is preferable if you can visit the Licensing Counter, to the left of the main entrance of the Town Hall, Rose Hill, Chesterfield, to obtain the pack as a member of the Licensing Team can talk you through the paperwork and obtain your details to create a client record.

- 3.2 The Licensing Counter is open;

Morning Opening Times

Monday, Wednesday and Friday – 10.00am to 12.00 noon
Tuesday and Thursday – CLOSED

Afternoon Opening Times

Monday, Tuesday, Wednesday and Thursday – 1.00pm to 4.00pm
Friday – 1.00pm to 3.30pm.

4.0 **New Application / or Expired Drivers Licenses.**

4.1 To apply for a new license you need to collect an 'Application Form for new license' from the licensing Counter. At this time the licensing staff will give you a complete application pack including;

- DVLA –Driving Entitlement Consent Form
- ~~Criminal Record Bureau~~**Disclosure & Barring Service** application form + Certificate of Good Conduct (required by applicants who have lived outside the UK since the age of 10 for a period of more than 6 months (on each occasion) excluding time spent in the HM Forces).
- DVSA – Driving **and Vehicles** Standards Agency information on test
- Right to Work advice
- Application form
- Medical – Group Two requirement – Form to be completed by Doctor
- References x2
- Knowledge Test – Driven test form
- Knowledge test – written test form
- Application Guidance (this schedule)

Hackney Carriage and Private Hire Licensing Policy and Schedules
Chesterfield Borough Council bye-laws

4.2 **Application Form**

The application form is intended to help you provide your personal details and guide you through the application process alongside these guidance notes.

4.3 **DVLA License**

You need to provide a full driving license (not a provisional license) which authorizes you to drive a motor car when you first apply. This full license needs to have been held for a minimum of 12 months. A copy of this license will be taken at the time you submit the DVLA – Driving Entitlement Consent Form to the Council's Licensing Section.

4.3.1 **DVLA – Driving Entitlement Consent Form.**

This form is to be completed by an individual, **IN BLACK INK AND CAPITAL LETTERS**, to confirm his/her entitlement to drive. It must be filled in and signed in all cases by the driver. Forms not completed correctly or not signed will not be accepted and may delay your application.

Payment of the appropriate fee will need to be made at the time of submission.

This form needs to have been returned by DVLA before any license can be issued.

4.4 **Criminal ~~R~~ecord ~~check Bureau~~ application form & Certificate of Good Conduct**

Disclosure and Barring Service (Criminal Record Bureau (DBS)CRB)

A **check with the Disclosure and Barring Service Criminal record check in acin** accordance with the provisions of Section 47 of the Road Traffic Act 1991 will be required on initial application and every three years thereafter to maintain your hackney carriage/private hire driver's license. This will be made using the **Criminal Record BureauDisclosure & Barring Service**, and the driver will be responsible for any charge required by the service.

Before an application for a driver's license will be considered the applicant must provide a current (less than 3 months old) **CRBDBS** disclosure.

You will need to make a separate appointment at the Licensing Counter if applying with Chesterfield Borough Council for your **CRBDBS** application to be counter signed by one of the Licensing Team after you have filled in the basic details.

Chesterfield Borough Council

It is in your interest to complete and submit the [CRBDBS](#) form as quickly as possible as this usually takes some weeks to be returned by the Bureau and the application can not be considered until a satisfactory and complete [CRBDBS](#) is returned.

Certificates of Good Conduct

A Certificate of good conduct is a police records check. You may need this if you have lived abroad and on your return to the UK possible employer requests evidence that you have no criminal record.

Where an applicant/driver has been absent from the UK, a [Criminal Record Bureau Disclosure & Barring Service \(CRBDBS\)](#) Check is not sufficient evidence of his/her criminal record. This is because it is possible to have a clean UK criminal record, but have committed a serious criminal offence outside of the UK, which the [CRBDBS](#) is unaware of.

All applicants/drivers (including those renewing a license) must complete as part of the application form [ea](#) question in order to ascertain what time, if any the applicant has spent resident outside of the uk since the age of 10. Under S.57 Local Government (Miscellaneous Provisions) Act 1976, it is an offence to knowingly or recklessly make a false statement or to omit information required by the Council.

Applicants/drivers who have been resident in any other country or countries for 3 months or more will be required to provide a Certificate of Good Conduct from each country(unless previously seen by Chesterfield Borough Council). The Certificate of Good Conduct must be no older than 3 months at time of presentation.

For these purposes a 'Certificate of Good Conduct' means an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority in the relevant country testifying to good conduct or to any criminal convictions recorded against the individual. **If you wish to obtain a certificate of good conduct for time spent overseas, you should contact the relevant Embassy or High Commission of that Country for advice. You may also wish to contact the police authorities in the area in which you stayed.**

If you are resident overseas and are planning to return to work in the UK, you should apply to the relevant local police authorities or Embassy and obtain a Certificate of Good Conduct before you leave the Country.

Any documents that require translation into English or another language by a translator, determined by the Licensing Section. The cost of obtaining an appropriate translation must be met by the applicant driver.

4.5 [DSADVSA – Driving Standards Agency Driving and Vehicles Standards Agency](#)

The Driving Standings Agency is committed to improving driving standards through its testing and assessment activities. As a professional driver you have a greater responsibility to ensure that your passengers have a comfortable, safe and enjoyable journey. This accredited practical assessment aims to improve the standards of customer safety and comfort.

All new applicants for driver's licenses with Chesterfield Borough Council will be required to produce evidence that they have successfully passed the [DSADVSA](#) practical driving test.

The [DSADVSA](#) certificate has an expiry date on of a year but is not required to be renewed annually, but should the hackney carriage/private hire driver's license expire, the [DSADVSA](#) certificate will need to be re-taken.

To book a practical [DSADVSA](#) test or for any enquiries please contact the [DSADVSA, Driving Standards Agency Driving and Vehicles Standards Agency](#) 0300 200 1122.

[DSADVSA – Hackney Carriage and Private Hire Assessment](#)

The aim of the hackney carriage and private hire assessment (taxi test);

- to improve the standards of customer safety and comfort through providing an accredited practical assessment of the quality of driving.

Main benefits of the service to Licensing Authorities;

- Establishes a partnership with the [Driving Standards Agency Driving and Vehicles Standards Agency](#), the agency responsible for setting the standards for all driving tests in England, Scotland and Wales

Policy with suggested amendments for consideration by Appeals and Regulatory Committee on 10/09/14.

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Chesterfield Borough Council

- Provides quality assurance of licensed taxi drivers
- Establishes a uniquely independent assessment. The [DSADVSA](#) do not provide training and seek only to improve the quality of driving to meet the agencies aim of Safe Driving for Life
- Provides positive consumer protection by establishing a minimum standard for passenger transport, which in turn can help to reduce complaints and compensation claims
- There is no charge to the Licensing Authority. The cost for the assessment is paid by the taxi drivers. Applicants deal directly with the [DSADVSA](#) and all information is provided complementary.

Benefits to the Taxi Driver;

- Establishes a service standard helping to add value to the taxi industry as an accredited career path.
- Establishes a high level of credibility with customers by providing assurance of a minimum standard of quality and helping to promote taxi transport as a safe, reliable mode of transport
- For many drivers it gives a sense of personal achievement that they have been recognized as having the skills necessary for a career in the taxi industry
- Provides a recognized qualification of driver quality that can be transferable to other licensing authorities (depending on the authority's rules and conditions).
- Is recognized by a number of insurance companies that offer insurance discounts of up to 25% for drivers with [DSADVSA](#) accreditation.

The Assessment

The Assessment follows the same format as the standard driving test with a few notable exceptions. The assessment consists of;

- An eyesight test
- A taxi specific manoeuvre as if to turn to travel in the other direction after receiving a radio call, by any safe/legal means available
- Approximately 10 minutes of independent driving
- 2 normal stops as if to set down/pick up passengers
- A hill start
- 1 in 3 tests involves an emergency stop
- 35 -40 minutes driving
- Traffic signs (5), highway code (3) and cabolgoy questions (2)
- A maximum of 9 driver faults that are not classed as serious or dangerous are allowed. One serious or dangerous driver fault will constitute a failure
- At the end of the test (pass) the driver receives a pass certificate and a copy of the assessment sheet and the offer of a debrief. At the end of a failed test the driver receives a copy of the assessment and the offer of a debrief.

4.6 Loading of wheelchair passenger – test of competence.

Paragraph 3.4.2 of this policy requires all drivers who drive a wheelchair accessible vehicle to pass a test of competence to do so. The test can be taken by the following means.

Driver and Vehicle Standards Agency (DVSA) wheelchair exercise

DVSA,
PO Box 280,
Newcastle Upon Tyne,
NE99 1FP
Phone 0300 0200 1122
www.businesslink.gov.uk/transport

NVQ in Road Passenger Vehicle Driving (Taxi & Private Hire) (7439) Unit 228 from City and Guilds or NVQ A/602/6061 from Edexcel, or equivalent from another NVQ provider,

NVQ providers

Pearson Edexcel,
0845 618 0440

Chesterfield Borough Council

students@pearson.com.

City & Guilds

0844 543 0033

centresupport@cityandguilds.com

Passenger Assistance Training Scheme (PATS) providers:

Skills UK

01623 499200

lynne@skillsuk.org or chris@skillsuk.org

Community Transport Association

0161 351 1475

info@ctauk.org

4.7 Right to Work

The prevention of illegal migrant working in the UK is governed by sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.

The Government's Department of Transport (Daft) current Best Practice Guidance in relation to Hackney Carriage and Private Hire Licensing makes reference to local authorities obtaining specific immigration status about applicants for driver's licenses, including the Right to Work (RTW) in the UK and/or details of work restrictions. The suggestion in the DfT's proposed update to their Best Practice Guidance goes further and states that 'it is considered appropriate for licensing authorities to check on an applicants RTW before granting a taxi or private hire drivers license'.

PROOF OF RIGHT TO WORK IN THE UK

The Home Office, via the UK Border Agency, has compiled a list of Documents, which prove that someone has the RTW in the UK. Documents will fall into either **List A** or **List B**.

No license will be granted until the applicant is able to prove they have a right to work in the UK.

An applicant will need to provide;

One document from List A, these documents show an ongoing RTW in the UK.

If they cannot produce a document from List A then relevant document(s) from List B must be produced. These documents show a RTW in the UK for up to twelve months.

These must be original copies, photocopies; scanned documents and faxes for example are not acceptable.

Proof of RTW in the UK must be provided when application is made in respect of new applicants. In respect of renewal applicants proof should be provided on application every time if they have previously provided documents from List B only. If proof cannot be provided at the time of renewal the Council will allow application to be made, but no license will be granted until proof has been provided.

A copy of the relevant page(s) of the documents provided will be retained in a format which cannot subsequently be altered, for example a photocopy or a scanned document. In the case of a passport or other travel document, the following parts must be photocopied or scanned:-

The document's front cover and any page containing the holder's personal details. In particular any page will be copied that provides details of nationality, his or her photograph, date of birth, signature date of expiry or biometric details, and

Any page containing UK Government endorsements indicating that the holder has an entitlement to be in the UK and is entitled to undertake the work in question.

Policy with suggested amendments for consideration by Appeals and Regulatory Committee on 10/09/14.

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Other documents will be copied in their entirety. Any documents will be kept securely for the duration of the license and for a further two years after the expiry of the last license if renewal is not sought. This is in line with legislation which requires employers to retain copies of documents relating to individuals they have employed.

If further verification is required this will be specified in a letter detailing the exact requirements.

THE FAIR WAY TO CHECK

It is illegal to discriminate on grounds of race, colour, ethnic or national origin, or nationality. No presumptions about a person's RTW in the UK will be made based on a person's background, appearance or accent. Each applicant will be required to comply with the RTW Policy and provide the necessary documentation.

FAILURE TO COMPLY

An application for the first grant of a private hire operator or hackney carriage/ private hire driver license will not be accepted if the applicant fails to provide evidence of their RTW in the UK.

Any renewal applicant who fails to comply with the requirement to prove their RTW in the UK will be refused a private hire operator license or private hire or hackney Carriage driver license. The required documents have to be produced within four months of application being made.

If an applicant produces documentation from List B to prove their RTW in the UK then, upon expiry of this document, if it is in the term of the Private Hire or Hackney Carriage license, they are required to produce further documentation showing their ability to continue working.

A letter reminding the license holder of the expiry of the document will be sent 2 months prior to the expiration date. Failure to produce evidence of RTW will lead to the revocation of their license and/or badge with immediate effect. If the license holder states the documentation has been applied for then the license and/or badge would be suspended with immediate effect until the documentation is produced. The license holder would be required to produce this within six months.

REPORTING OF ILLEGAL WORKERS TO THE RELEVANT AUTHORITIES

If the Council has any concerns that an applicant has been working in the UK illegally then this information will be reported to the Home Office, Border and Immigration Agency and UK Border Agency.

NEED FURTHER INFORMATION?

- Further information about working in the UK, legislation and advice to employers can be found on the Home Office website;
- <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking>

DOCUMENTS TO ESTABLISH ELIGIBILITY TO WORK IN THE UK

If the applicant can produce a satisfactory document from List A, eligibility to work in the UK will have been established and will not need to be checked again. If an application is made after a license has expired then proof of a person's RTW in the UK will be required again.

LIST A

1. A ~~current~~ valid passport showing that the holder is a British citizen or a citizen of the United Kingdom and Colonies and contains the words 'the holder has the right of abode in the United Kingdom.'
2. A passport or national identity card showing that the holder is a national of a European Economic Area (EEA) country or Switzerland.
3. A residence permit or registration document certifying or indicating permanent residence issued by the Home Office or the UK Border Agency to the national of an EEA. For nationals of EEA countries, this document consists of a blue permit carrying a photograph and personal

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details of the holder. Swiss nationals receive a similar document in the form of a pink residence permit.

4. A permanent residence card issued by the Home Office or the UK Border agency to the family member of a national of an EEA country or Switzerland. When nationals from EEA or Switzerland reside in the UK their immediate family members from outside the UK, may gain the same rights to enter or remain here and work in the UK freely. However, the EEA national in question must be lawfully residing here in the UK for their family member to have and maintain these rights.

5. A Biometric Immigration Document issued by the UK Border Agency to the holder, which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK. Further information will be made available by the UK Border Agency when the Biometric Immigration Document is due to be issued.

6. A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK or has no time limit on their stay in the UK.

7. An immigration Status Document issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder with an Endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, when produced in combination with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or previous employer.

8. A full birth certificate issued in the UK, Channel Island, the Isle of Man or Ireland which includes the name(s) of at least one of the holders parents, when produced in combination with an official document giving the persons permanent National Insurance Number and their name issued by a Government agency or previous employer.

9. A full adoption certificate issued in the UK, Channel Island, the Isle of Man or Ireland which includes the name(s) of at least one of the holders adoptive parents when produced in combination with an official document giving the persons permanent National Insurance Number and their name issued by a Government agency or previous employer.

10. A certificate of registration or naturalization as a British citizen, when produced in combination with an official document giving the persons permanent National Insurance Number and their name issued by a Government agency or a previous employer.

11. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom when produced in combination with an office document giving the persons permanent National Insurance Number and their name issued by a Government agency or a previous employer.

If an applicant produces any document from List B then the document must be re-verified, at least every 12 months, to produce evidence of the eligibility to work in the UK.

List B

1. A passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.

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2. A Biometric Immigration Document, issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
3. A work permit or other approval to take employment issued by the Home Office, Border and Immigration Agency or the UK Border Agency, when produced in combination with either a passport or another travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office, Border and Immigration Agency or the UK Border Agency to the holder, or the employer or prospective employer confirming the same.
4. A certificate of application issued by the Home Office, Border and Immigration Agency or the UK Border Agency to or for a family member of a national of an EEA country or Switzerland, stating that the holder is permitted to take employment, which is less than 6 months old, when produced in combination with evidence of verification by the UK Border Agency Employer Checking Service.
5. A residence card or document issued by the Home Office, Border and Immigration Agency or the UK Border Agency to a family member of a national of an EEA country or Switzerland.
6. An Application Registration Card (ARC) issued by the Home Office, Border and Immigration Agency or the UK Border Agency stating that the holder is permitted to take employment, when produced in combination with evidence of verification by the UK Border Agency Employer Checking Service.
7. An Immigration Status Document issued by the Home Office, Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the work in question, when produced in combination with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or previous employer (e.g. P45, P60, National Insurance Card).
8. A letter issued by the Home Office or the UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question, when produced in combination with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or previous employer (e.g. P45, P60, National Insurance Card).

4.8 Medical

You must arrange your own medical check unless you hold a current PCV and/or HGV license and are able to produce proof of this. A medical examination is required on the first license application and then every 3 years from when first licensed and annually after 65.

~~The medical may be completed by a Doctor of your own choice but **MUST** be carried out to a **DVLA Group 2 Medical Standards**. The Doctor will need to complete The Group Two Medical form within the application form, sign and use the official stamp of the surgery. The medical can be carried out by a Doctor of the applicants' choice but **MUST** be carried out to **DVLA Group 2 Medical Standard**. Such certification must be no more than **three months old**. The Doctor will need to complete The Group Two Medical form within the application form, sign and use the official stamp of the surgery~~

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Drivers **MUST inform the** ~~are responsible for keeping the~~ Licensing Section ~~aware~~ of any changes or deterioration in their health that may affect their driving capabilities, and may be asked to obtain further medical confirmation from their medical practitioner that they remain fit to drive under Group Two requirements. Such notification must take place as soon as practicable.

The driver will be responsible for paying the fee for the examination and completion of the Group Two medical form to the relevant surgery. If there is any doubt that a driver remains medically fit, the Council may require the applicant to undergo further medical examination at the applicants own expense.

Guidance for Diabetes treated with tablets/Insulin Injections. (as per application forms)

You are reminded that a licensed driver is responsible for informing the licensing section of any changes to their health, which includes diabetes. The Group Two Medical form currently asks if a driver is treated with tablets or insulin. If the answer to either of those questions is yes the driver needs to:

Diabetes -Treated by Insulin or managed by tablets which carry a risk of inducing hypoglycaemia

If diagnosed as requiring treatment by insulin or managed by tablets, which carry a risk of inducing hypoglycaemia, the driver will need to inform the Council as soon as possible and provide written confirmation from their Doctor or Diabetic Nurse/Consultant of:

- the date of being diagnosed;
- that there has not been any severe hypoglycaemic event in the previous 12 months;
- the driver has full hypoglycaemic awareness;
- the driver must show adequate control of the condition by regular blood glucose monitoring, at least twice daily and at times relevant to driving;
- the driver must demonstrate an understanding of the risks of hypoglycaemia and there are no other declaring complications of diabetes.;
- there are no other declaring complications of diabetes.

4.8 References

To be completed by a householder who is not a close relative AND by one of the following; a minister of religion, school teacher, lawyer, bank officer, senior public official, medical practitioner or other responsible person who has personally known you, the applicant for at least THREE years.

Please be advised that random checks are carried out on referees and that the references may be checked.

4.9 Knowledge Test

Hackney Carriage/Private Hire Drivers License- Knowledge TEST

To obtain a combined hackney carriage/private hire drivers license you must pass a knowledge test. The purpose of this test is to test your knowledge of the Borough of Chesterfield and surrounding areas, license conditions, basic numeracy and the ability to read, understand and write English.

The knowledge test is in 2 parts; a written test followed by a road test.

Firstly, a written test must be taken. The written test comprises of three sections with questions on

- 1) The law relating to hackney carriages and private hire vehicles and the Council's licence conditions;
- 2) Geographical areas in and around Chesterfield, and
- 3) Customer Care.

A score of 80% (8 out of 10 questions correct) in each section will be required.

An applicant must pass the written test before taking the road test. The road test comprises of a set of 8 different destinations and an applicant must achieve a mark of at least 6 out of 8 in order to pass the road test.

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There is no refund for non-attendance or cancellation with less than 24 hours notice.

Who must take the Test?

All new applicants must take the test.

No applications will be accepted from applicants who have held a FULL UK or EU driving licence for less than 12 months.

The vehicle used to take the test

The vehicle that you take the test in ~~must be a vehicle with manual transmission.~~ It cannot be a plated hackney carriage/private hire.

The vehicle must be properly insured for the applicant, taxed and have a valid MOT.

What should the applicant bring with them to take the test?

Written Test

For the written test the applicant should bring with them their application form and photographic identification, which must be either a DVLA photo card licence (both parts) or a passport.

The written test will be overseen by Enforcement Officers who will check the applicant's identification and details completed on the form. The form will then be ripped off the back of the rest of the application form and the remainder of the form will be completed by the Enforcement Officer taking the written test.

On attending the written test the applicant will be given 3 papers and the number of each paper recorded so that if they fail they can be given different papers at the re-test. The invigilating officer will record these paper numbers on the relevant sheet of the application form. Once the papers are marked the results will be noted and the paperwork returned to the Licensing Section.

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Driven Test

For the driven test the applicant should bring with them their application form and photographic identification, which must be either a DVLA photo card licence (both parts) or a passport.

For the driven test the applicant will drive an enforcement officer in their own car. The driven test will have 12 different tests, each set comprising of 8 different destinations. An applicant must pass 6 out of 8 destinations.

On completion of the driven test the enforcement officer will complete the appropriate form, rip it off and pass it back to the Licensing Section.

No mobile telephones will be allowed to be switched on during the written or driven test.

Applicants will not be allowed to use an A – Z map book or Satellite Navigation during either the written or driving test. Nor will anyone be allowed to accompany applicants in the car or at the written test, other than the authorized Officer of the Council.

When will I know the result?

Applicants will be given the result of the written test within 5 working days. The licensing assistants will telephone applicants and advise them of the results and if an applicant has successfully passed he/she will be advised how to proceed and book the driving part of the test.

What if I fail?

If an applicant fails the written part he/she will not be able to take the driving test. An applicant may retake the test (on payment of a fee) as many times as he/she likes with arrangement of the Licensing Section.

Knowledge tests are held according to demand at Chesterfield Town Hall, Rose Hill, Chesterfield, between the hours of 5.00 pm and 7.00pm. Applicants who fail to keep a test appointment or who arrive late will not be permitted to sit the test, the test fee will not be refunded and it will be treated as a failure.

To assist in preparation for the test, you are advised to study;

- License conditions for licensed Hackney Carriage/Private hire drivers;
- License conditions for vehicles
- Street guides for the Chesterfield area.
- Basic numeracy
- Best Practice/Advisory Notes
- Customer Care
- Chesterfield Borough Council – Bye-Laws Hackney Carriages.

Best Practice/Advisory Notes for the Knowledge Test.

Private hire vehicles must be booked via an operator. A private hire vehicle driver is not allowed to use his radio to book other people a private hire vehicle. All bookings must go through the operator and be made by the actual person wishing to hire the private hire vehicle.

Should you lose or misplace your hackney carriage/private hire driver's license or your vehicle license you need to report the loss to the Council's Licensing Section immediately and purchase a replacement.

Your **Criminal Record Bureau Disclosure & Barring Service** Check is required every **3 years** once you are a licensed Hackney Carriage/Private hire driver. The Council does not accept criminal record checks from other organizational bodies, such as Derbyshire County Council and NEDDC.

You cannot carry more passengers in the vehicle than the number specified on your vehicle license plate and license.

Policy with suggested amendments for consideration by Appeals and Regulatory Committee on 10/09/14.

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Before starting work a driver should check that the vehicle he is driving is safe, tyres, lights, seats, general maintenance, oil, windscreen wipers, wash fluid and that the vehicle is carrying all the required items under the Hackney Carriage/Private hire vehicle license. The driver should also check that he has his hackney Carriage/private hire driver's license badge with him/her and that he/she wears it whilst working.

A hackney carriage driver can only charge more than the metered fare when the passenger and driver prior to the journey starting agree a fare. Hackney carriage drivers, can when working, agree a lower metered fare as long as it is less than the tariff set by Chesterfield Borough Council.

Only a licensed hackney carriage/private hire vehicle driver can drive a licensed vehicle

All signs on the hackney carriage/private hire must be self-adhesive. No magnetic signs are acceptable. Magnetic side signs may be an exemption on a temporary lease car licensed by Chesterfield Borough Council provided that the Council has given prior written approval.

As the driver of the vehicle you are responsible for securing a wheelchair passenger in a licensed vehicle.

Customer Care

When carrying a disabled passenger, one of the most important things to do, is talk to your passenger to find out if any assistance is needed and if yes, provide it to the best of your ability.

If another motorist cuts across your path forcing you to brake, whilst carrying a passenger the first action you should take is check that your passenger is safe and all right.

If a passenger requests a receipt you should write receipt, name of business, date, fare, where to and from and your signature as driver before handing it to them.

You should not carry a wheelchair in a hackney carriage vehicle sideways. 'Medical Devices Agency' states wheelchair users should not travel with the wheelchair sideways.

When you have a wheelchair passenger on board your licensed vehicle you should drive smoothly and progressively, avoiding sharp cornering, hard braking and sudden acceleration.

If you are requested to pick up a person from their home, on arrival, you should go to their door, as they may have hearing difficulties, mobility problems or be elderly and require your assistance.

If you arrive at your next pick up and you see that the passenger is in a wheelchair, which won't fit in your vehicle, you need to explain the situation to the passenger, contact your operator and request that a larger vehicle be sent as soon as possible. If a suitable vehicle is not available the operator will need to contact another operator and see if they have a suitable vehicle available.

You have taken your passenger by the most direct route to their destination and when you request the fare, the passenger states that they think you have overcharged them. You must assure the passenger that this is the correct fare by showing them the meter/[taximeter](#), ask for the fare to be paid and provide them with contact details of your operator and licensing authority should they wish to complain.

You have a booking in the next 10 minutes from a home address and due to heavy traffic you are likely to be late. You should contact your operator and advise them that you are possibly going to be late and request they contact the customer and advise them of the facts.

Your next pick up is from a customer's house. You arrive at the house and it is in darkness and looks empty, what should you do? You should park the vehicle, go to the house and knock and wait for an answer.

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You arrive at your pick up to discover that there are 5 passengers whilst your vehicle is only licensed for 4, what should you do? You should explain the situation to your passengers that your vehicle is only licensed for 4, and offer to call for a larger vehicle or a second vehicle from your operator. Contact your operator and explain the situation to them.

5.0 Renewal Applications for Drivers

5.1 A driver's license is valid for 12 months and approximately 6 weeks prior to expiry a renewal application and reminder additional sheet (with details of your [CRBDBS](#) and Medical dates) will be forwarded to you.

On renewal you will need to bring the following with you;

- Completed application form
- DVLA license (both parts if card)
- [Criminal Record Bureau Disclosure & Barring Service](#) application form + Certificate of Good Conduct (if required)
- Medical – Group Two requirement – Form to be completed by Doctor (if required)
- Fee-

The following information will be sent with your renewal pack for your attention;
Schedules 1, 2 and 4
Schedule 5.
Additional renewal sheet / medical / [CRBDBS](#) / RTW reminder

5.1 Application Form

The application form is intended to help you provide your personal details and guide you through the application process alongside these guidance notes.

5.2 DVLA License

You need to provide your full driving license (not a provisional license) each time you renew. A copy of this license will be taken on each renewal and you will be asked to complete and submit the DVLA – Driving Entitlement Consent Form to the Council's Licensing Section.

5.3. DVLA – Driving Entitlement Consent Form.

This form is to be completed by an individual, **IN BLACK INK AND CAPITAL LETTERS**, to confirm his/her entitlement to drive. It must be filled in and signed in all cases by the driver. Forms not completed correctly or not signed will not be accepted and may delay your application.

Payment of the appropriate fee will need to be made at the time of submission.

6.0 Stretch Limousine Road Test

6.1 The limousine road test will take approximately one hour and is designed to insure that drivers of these types of vehicles have full knowledge of the vehicles dimensions, as to its width and length. To insure that the driver has control of the vehicle at all times to insure the safety of passengers, present no danger to pedestrians or cause any inconvenience to any other road user.

The driver must demonstrate that they have full control of the vehicle within the environment where they will be operating, by showing that they can negotiate corners, roundabouts and any obstructions in the road, i.e. parked vehicles, in such a manner as to present no danger to other road users or pedestrians to insure the safety and comfort of passengers.

6.2 Road Test

The vehicle will start outside the Town Hall , Rose Hill, Chesterfield , drive towards Clarence Road, at the junction turn left into Clarence Road, drive down Clarence Road and turn right into West Bars to the roundabout. Then taking the third turning Wheatbridge Road onto Chatsworth Road to the junction of Storrs Road, turn right into Storrs Road.

Policy with suggested amendments for consideration by Appeals and Regulatory Committee on 10/09/14.

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Drive onto roundabout and turn right into Ashgate Road down to Saltergate to roundabout. At roundabout take 4th turning back onto Saltergate to junction of Rose Hill East. Then turn left onto Rose Hill East to junction and turn right onto Rose Hill and pull up outside Town Hall.

When the road is clear ask the driver to pull past loading bay outside Town Hall and ask driver to reverse park vehicle into loading bay.

PASS

Driver has demonstrated that they are in full control of vehicle and an awareness of the vehicles dimensions by negotiating corners, roundabouts, and obstructions in the road and reverse parking in such a manor as to not present a danger to passengers, pedestrians or other road users.

FAIL

The driver has been unable to demonstrate that they are in full control of the vehicle, do not have awareness of the vehicles dimensions as they mounted the curb more than 3 times when negotiating corners, roundabouts, obstructions in the road or reverse parking. The driver has also failed to demonstrate that whilst using the vehicle that they have done so in such a way, as to not present any danger to passengers, pedestrians or other road users.

7.0 Executive Hire Cars

7.1 The Council recognizes that there is a market for hiring vehicles to customers who would not want that vehicle to be readily identified as a private hire vehicle.

7.2 This is covered in the Policy and Schedule 1. On first establishing that this is the type of vehicle you wish to drive you need to contact the licensing section and discuss vehicle options and the type of executive vehicle you wish to use.

7.2 Types of car qualifying for Executive Hire Use.

This would exclude any hatchback or two door saloon.

Acceptable cars would be mid range executive saloons, such as Mercedes, Jaguar, BMW, high range 4 wheel drive cars and high specification people carriers as long as they are 4 or 5 door.

7.3 Test

The vehicle will undergo a test the same as that of a private hire but the driver must advise the testing station that it is to be used for Executive Hire. The paperwork received in the licensing section will advise that the vehicle is to be used as Executive Hire.

7.4 Licensed Executive Hire

A vehicle licensed under these criteria is exempt from displaying license plates front and rear but is required to display a laminated dash card in the vehicle. The driver is to be licensed under the Hackney Carriage Private Hire Drivers policy and to comply with the conditions.

8.0 Vehicle Test for hackney Carriages/Private Hire Vehicles.

8.1 All hackney carriages and private hire vehicles will need to undergo a taxi vehicle test and MOT. These are to be carried out by a garage selected by Chesterfield Borough Council. Currently this is the North East Testing Station and they can be contacted on 01246 217273 or 01246 217274.

8.2 Vehicles should be booked in at least a minimum of 3 weeks prior to their vehicle plate/license expiring. If driver/operators choose to leave bookings to nearer the expiry date they may not be able to be booked in prior to their vehicle's expiry date.

8.3 On booking their vehicles test, new vehicles being tested for the first time will need to pay the cost of the test at the time of booking. A person booking a 6 monthly renewal test can pay on the day of the test. This is to avoid slots being booked for possible new vehicles which are then not used.

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8.4 If you cancel the test appointment prior to its test slot you will not be charged the testing fee. Should you fail to show for your allotted test you will incur a £20.00 fee on rebooking the vehicle in? This is to avoid time slots being wasted.

8.5 You will need to give the following details when booking your vehicle in for a vehicle test;

- Details of the operator you work for
- Registration of vehicle
- Make and model of vehicle
- License plate details if a renewal.

On attending the vehicle test you will need to produce the following documents

- Meter calibration certificate if meter taximeter fitted
- V5 Document

8.6 The cost of the test can be paid by cheque, cash or card to the Testing Station itself. The use of a credit card incurs an additional charge.

8.7 Should an invalid payment be made, i.e. a cheque is returned unbankable you will be asked to repay the test fee. Failure to do so may result in a test failure.

8.8 On testing the vehicle you may be, advised of minor failures, of which there is a list within the North East Testing Station reception. The testers will look at each case in its own merits and determine whether if minor failures the re test will be free if the vehicle is brought back within 10 days.

8.9 If the failures of the vehicle test are deemed to be more than minor there will be a test fee determined by the time it takes to return the vehicle for retest.

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Hackney Carriage and Private Hire Licensing Policy

Schedule 6

Terms of Reference

Chesterfield Borough Council Hackney Carriage and Private Hire Consultative Forum

Purpose of the Forum

The Consultative Forum meets to discuss matters of concern, enforcement, licensing policy and procedures etc. with local representatives of the taxi trade about matters affecting taxi licensing or the taxi trade.

The Forum is an informal consultative body and not a decision making body (nor is it a Committee or Sub-Committee of the Council, Cabinet or any of the Council Committee) as this responsibility lies with the Appeals and Regulatory Committee or delegated council officer, but would be used for first stage consultation on any proposals by either the Council or the taxi trade.

The consultative Forum shall be responsible for the completion of the Forum Workplan,

Individual grievances are not issues for the Forum and should be raised with the Council on an individual basis.

The consultative Forum will act as a representative body for the whole hackney carriage and private hire trade, ensuring consultation with all licence holders to enable the Council to make fully informed decisions.

Membership of the Forum

The Forum shall comprise of 3 hackney carriage licence holders (persons who drive or own a hackney carriage) and 6 private hire licence holders (persons who operate or drive or own a private hire vehicle) licensed by the Council and 3 elected members of the Council.

The Forum shall not include as a member any elected member of the Council who is a licence holder or any elected member of the Council whose spouse, civil partner, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece (including relationships by blood, marriage and civil partnership) is a licence holder. Spouse or civil partner includes a relationship of living together as if they were husband and wife or living together as if they were civil partners.

Officers of the Council will attend the Forum to advise the Forum members. In addition officers from other organisations such as the Police, DCC (Highways) etc. may be invited to attend as necessary.

Members shall retire annually and shall be eligible for re-appointment.

Members of the Forum that fail to attend without good reason or sending apologies for three consecutive meetings will forfeit their place on the Forum.

Chesterfield Borough Council

Members must attend in person to contribute to the meetings.

The quorum for a meeting of the Forum shall be 3 members of which at least one member must be an elected member of the Council.

Role of Members

To assist with representing the views of the trade as a whole and to report back to them any progress.

To assist with disseminating information back to the trade to ensure that all licence holders are fully informed of latest policy and procedures.

Chairperson

The Forum will be chaired by a Councillor and the Vice Chairman will be a trade Member

The chairperson will ensure that all views are heard and recorded in an accurate manner.

The chairperson will ensure that the recommendations of the Forum are forwarded to the Head of Environment and the Appeals & Regulatory Committee.

In the absence of the Chair, the Vice-Chair shall chair the meeting. In the absence of the Chair and Vice-Chair, the Chair of the meeting shall be an elected member of the Council.

Frequency of Meetings

The Forum will meet at least four times per calendar year and at shorter intervals as deemed necessary by the forum.

Secretarial Support

Forum meetings will be primarily held at the Council Offices or at alternative venues with appropriate notice.

Minutes of the previous meetings and the agenda for the next meeting will be posted on the Council's website at least two weeks prior to the next forum date.

The Council will record and reproduce minutes of full Forum meetings.

Reporting Mechanisms

Any recommendations from the Forum will be considered by the Council's Appeals and Regulatory Committee.

Where appropriate, the recommendation will include a full report of the issues considered and the reasons for the recommendation. This may involve details of the consultation undertaken with the trade as a whole.

Once the Appeals and Regulatory Committee have considered a recommendation, a response will be sent to the Forum in the first instance for dissemination to the trade.

Policy with suggested amendments for consideration by Appeals and Regulatory Committee on 10/09/14.

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Workplan

The Workplan will consist of issues that the Forum consider necessary for consultation, with time-scales for completion.

Issues may include policy amendments or procedural changes, but equally may cover new legislative or statutory requirements. Legislative or statutory requirements will automatically form part of the Workplan.

Transparency

The Forum is a public body and its minutes will be public documents.

The Forum is expected to be open, transparent and accountable. The Forum should ensure that all interests have a voice where necessary and that hard to reach groups are engaged and represented.

Amendment of the Terms of Reference and Dissolution

These terms of reference may only be amended by a resolution of the Council.

The Forum may only be dissolved by a resolution of the Council.

Schedule 7

Hackney Carriage and Private Hire Licensing Policy

Operators' Conditions

1. Conditions of Licence

If you breach any of the conditions contained in this Licence, contravention points may be awarded under Schedule 3 of the Policy, which may result in the suspension or revocation of your licence.

You must be aware of the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Other legislation may also affect your business. For example, some of the provisions of the Town and Country Planning Act 1990 and the Health and Safety at Work, etc. Act 1974 may be applicable. You must check the extent to which you or your business is affected by these provisions and comply with them.

The applicant will be expected to demonstrate an understanding of the standard conditions that apply to an operator's licence prior to a licence being issued. All Private Hire Operators licences granted by the Council are subject to the standard conditions. These must be complied with at all times and failure to do so may result in the Operators licence being suspended, revoked or a renewal application being refused.

If the Council intends to make any changes to the standard conditions it will consult all existing operators and other stakeholders. Any comments received will be considered prior to any changes being made.

In addition to the standard conditions the Council may also impose specific conditions where it feels they are necessary. These could relate personally to the Operator or to the Operator's premises. As with the standard conditions the Operator is expected to comply with them at all times.

Authorised officers will carry out checks periodically on operators in order to ensure compliance with the licence conditions. If non-compliance with the conditions is identified then enforcement action will be taken in accordance with the Environmental Services Enforcement Policy. The results of these checks will be recorded and considered when an operator applies to renew the licence.

2.. **YOUR DUTIES AS AN OPERATOR**

2.1 **VEHICLES**

Each Private Hire Vehicle that is operated under the terms of your licence must be licensed by Chesterfield Borough Council under the (Miscellaneous Provisions Act 1976 and be insured for the purposes of private hire or reward. The Council will not accept insurance for a private hire vehicle that states it has 'public hire' insurance.

You must do as much as you reasonably can to make sure that vehicles that you operate always meet the requirements of the Hackney Carriage and Private Hire Licensing Policy..

2.2 **DRIVERS**

You must only use drivers who are licensed by Chesterfield Borough Council under the Act.

Chesterfield Borough Council

You must do as much as you can to make sure that drivers that drive vehicles operated by you know and comply with conditions within the Hackney Carriage and Private Hire Licensing Policy.

You must do as much as you can to make sure that drivers that drive vehicles operated by you do not ply for hire or pick up or set down passengers at hackney carriage stands or anywhere that may cause an accident or an obstruction.

You must do as much as you can to ensure that drivers that drive vehicles operated by you are fit to drive...

2.3 RADIO

The radio equipment that you operate must be properly maintained. It must comply with all Government guidelines regulating the use of such equipment and must not interfere with other radio or telecommunications equipment.

2.4 NUISANCE

You must make sure that your business does not cause a nuisance to or annoy anyone who lives nearby your premises.

2.5 PUBLIC LIABILITY INSURANCE

You shall maintain in force for the duration of the licence, a Public Liability Insurance Policy providing a minimum of £5m indemnity in respect of any one incident.

3.0 FARES FOR VEHICLES WITHOUT METERS

You must ensure that the fares table for the vehicle can be easily seen by passengers and send a copy of the fares table to the Licensing Officer. If you make any amendments or variations to the fares table, you must send a copy to the Licensing Officer within 7 days of such changes being made.

3.1 FARES FOR VEHICLES WITH METERS/TAXIMETERS

You must ensure that the fares table for the vehicle can be easily seen by passengers and send a copy of the fares table to the Licensing Officer. If you make any amendments or variations to the fares table, you must send a copy to the Licensing Officer within 7 days of such changes being made.

4. ADVANCE BOOKINGS

When one of your vehicles has been hired in advance you must make sure that it does not arrive at the pick up point late unless something unavoidable has happened to delay or prevent it from reaching the pick up point.

5. YOUR LICENCE

5.1 Name of the Company

The Council must be satisfied that the proposed name of the applicant's company is suitable and does not conflict with existing licensed operators.

5.2 RETURNING YOUR LICENCE

The licence is the property of the Council and you must return it to the Council immediately if it is asked for or if you want to surrender it.

6. RECORDS THAT YOU MUST KEEP

6.1 OPERATOR'S LICENCE

You must keep a copy of your Operator's Licence at the premises at all times.

Chesterfield Borough Council

6.2 BOOKINGS

You or your staff must only accept bookings at the premises from which you are licensed to operate. Bookings through a mobile phone MUST BE taken only at the base.

You must record the details about every booking made BEFORE the booked journey starts. You must record:-

- the time and date of the booking;
- the pick up and set down points;
- the time and date when the journey is to start;
- the name and, where possible, the address of the hirer;
- the plate number and/or the registration number of the vehicle which will be used; and
- the name and badge number of the driver who will drive the vehicle.
- the name of person taking the booking
- any other remarks, including details of any sub contracting of the booking

If you operate from more than one premise's, a record of every booking must be kept available for inspection at each premise, regardless of which premises received the booking.

If the records are compiled on a computer then they must be capable of being immediately printed onto paper if requested by an authorised officer or police officer. Any records kept on computer must not be capable of retrospective alteration or amendment.

You must keep all these records for at least six months from the date that the booking was taken. If a police officer or an authorised officer asks you to keep these records for longer than this then you must do so. Any such request must be made in writing.

6.3 VEHICLE DETAILS

You must keep the following details about each vehicle that you operate:-

- The name and address of the owner of the vehicle.
- The name and address of the person who holds the vehicle licence.
- The expiry date of the vehicle licence.
- The registration number of the vehicle.
- The make, type and colour of the vehicle.
- The Plate Number of the vehicle and
- A copy of the current insurance certificate for the vehicle

6.4 DRIVER DETAILS

You must keep the following details about each driver that you employ:-

- Their name and address.
- Their badge number.
- Their driving licence number and
- A copy of their licence to drive a Private Hire Vehicle.

6.5 PUBLIC LIABILITY INSURANCE

- A copy of the current certificate of public liability insurance

7.0 KEEPING THE COUNCIL INFORMED

CHANGES IN YOUR DETAILS

Note: Once a licence has been granted, your circumstances may change and these may influence whether you are still eligible to hold a licence. A licence is not transferable.

Chesterfield Borough Council

7.1 You must inform the Licensing Section in writing without delay no later than seven days of the following changes in your circumstances:-

- Any criminal charges for driving or non-driving offences made against you during the currency of the licence.
- Any convictions for driving or non-driving offences during the currency of the licence.
- Any formal cautions for driving or non-driving offences during the currency of the licence.
- Any driving disqualification made against you during the currency of the licence.
- Any Mental Health Order imposed on you during the currency of the licence.
- Any Sexual Offences Order imposed on you during the currency of the licence.
- Any penalty points incurred on your DVLA driving licence.
- Any bankruptcy order or voluntary arrangement made against you.
- Any disqualification under the Companies Act 1985.
- Any winding up, administration, receivership or liquidation.
- Any anti-social behaviour order made against you.
- Any County Court judgements relating to sex, race or disability discrimination
- The vehicles that you use.
- Your home or the registered office address

7.2 Any changes in the following must be notified in writing to the Licensing Officer at least fourteen days in advance of such changes:-

- Change of its telephone number.

The applicant must submit details of every telephone number proposed to be used in connection with the Operator's business. If the Council believes that any of the numbers proposed conflict with those of existing operators and could therefore confuse members of the public then the applicant will be advised that those numbers cannot be used and must abide by this decision if the licence is to be granted. Any new telephone number must not be used until the Council has granted written approval to the operator to do so. The Council will allow the use of mobile telephone numbers. However bookings for private hire vehicles can only be accepted at the premises stated on the licence, not whilst mobile or away from the base.

- Change of company name

The operator shall apply in writing to the Council if he/she wishes to change or add to the name of his/her Company . Any new name must not be used until the Council has granted written approval to the operator.

7.3 Any changes in the following must be notified in writing to the Licensing Officer at least twenty one days in advance of such changes:-

- The ownership of the business including dissolution of any partnership
Where there is a change in the ownership or controlling interest of the company, notification must be made to the Council at least 21 days in advance of the proposed change. The new owner or responsible person is required to submit an application for an operator's licence (whether or not the operating name remains the same). The application will be determined in accordance with this Policy.

Failure to give the Council adequate notice of any change in ownership may mean that the business cannot continue to operate until the Council is satisfied that the new owner is a 'fit and proper' person.

Chesterfield Borough Council

7.4 Change of Premises/Additional Premises

Should a licensed private hire Operator wish to either change or add premises then planning permission for the new premises must be obtained if necessary or written confirmation provided to the Licensing Officer that planning permission is not required. Notification of such a change must be made to the Council, in writing, at least 21 days in advance of the change.

Upon receipt of such notification, consultations will take place with Derbyshire Police or Housing Services if the Council own the property. On completion of those consultations and providing no objections are received the Licensing Officer may determine the matter. Subject to approval being granted, the address of the new premises will be noted and a new licence will be issued on request (subject to payment of a fee).

8.0 LOSING YOUR LICENCE

If you lose your Licence you must write to the Council to let them know as soon as you are aware that you have lost it. A fee is payable for a replacement.

9.0 COMPLAINTS

If anyone complains to you about anything arising from a vehicle which you operate, including the behaviour of the driver, then you must write to the Council within seven days giving full details of the complaint and any action which you have taken or which you will be taking. If the Council receives any complaint regarding the conduct of yourself, your staff or your drivers you must co-operate with the investigation and provide such reasonable assistance to the Licensing Officer or the Enforcement Officers as they request.

All persons making a complaint to the Operator shall be informed of the telephone number and address of the Council.

10.0 DAMAGE TO VEHICLES

If one of the vehicles which you operate is damaged and the damage affects the safety of the vehicle, its performance, appearance or its comfort and convenience to passengers, then you must let the Council know as soon as possible and no later than three days (72 hours) after the damage has occurred. An authorised officer or a police officer can suspend the vehicle licence until the damage is repaired to the satisfaction of the authorised officer or mechanics authorised by the Council to test the vehicle.

11.0 AUTHORISED OFFICERS

11.1 PRODUCTION OF DOCUMENTS

An authorised officer or a police officer can, at any reasonable time, ask to see your licence, or any of the records that you are required to keep and which are detailed in Condition 8 above.

11.2 OBSTRUCTION OF AUTHORISED OFFICERS

If you deliberately obstruct an authorised officer or a police officer or fail to comply with any request made by such an officer without any good reason you can be prosecuted. You can also be prosecuted if you tell an authorised officer or a police officer anything, which you know is not true when you are being questioned by them.

12.0 POLICE CHECK

On first application for a licence, you will be required to undergo a Police check and submit a Statutory Declaration or Basic Disclosure from Disclosure Scotland, (the details are contained in the Guidance Notes) unless you are also licensed by the Council to drive hackney carriages or private hire vehicles and you have already undergone a check with the CRBDBS.

Chesterfield Borough Council

After first application, you will be required to undergo a Police check and submit a further Statutory Declaration once every three years ("the anniversary date"). You will be sent a written reminder at least eight weeks before the anniversary date. The onus is on you to ensure that you do undergo a Police check and submit a further Statutory Declaration. If you fail to apply for a Police check or delay in doing so, then the Council may take action against you.

The Council will not accept a Police check or Statutory Declaration that is more than 3 months old.

13.0 **CHANGE IN CONDITIONS**

- i. The Council may add or amend any Licence Condition.
- ii. You must, subject to (3) below, comply with any new or amended condition within 21 days of being given notice of it by the Council or any longer time stated by the Council.
- (iii) If within 21 days of receiving written notice of a new or amended condition you appeal to the Magistrates' Court against it you will not have to comply with the condition until the appeal is determined or abandoned.

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Please Ask For:

Mr Nigel Robinson

Your Ref:

Our Ref:

NR/KW/CICL/Oadby & Wigston

Date:

10 July 2013

Mr Trevor Durham
Licensing Manager
Chesterfield Borough Council
Environment Services
Customer Services Centre
85 New Square Chesterfield
Derbyshire S40 1AH

Dear Mr Durham

Re: Our Client: Collingwood Insurance Company Ltd (CICL)
Licensing of hackney carriage and private hire vehicles
Proposed amendment to Licensing Policy (Insurance)

We act for CICL which provides motor insurance to the hackney carriage and private hire trade. Chesterfield Borough Council's letter dated 1 July 2014 addressed "To all Drivers and Operators" has come to CICL's attention and this letter addresses the proposed motor insurance amendment.

CICL offers both short and long term motor insurance cover, which ranges from weekly to annual certificates of insurance, to the taxi trade. The shorter term certificates have proved to be popular with self employed taxi drivers. Taxi insurance is relatively expensive and weekly/monthly premiums enable individuals to pay from their weekly/monthly takings.

You will appreciate that the introduction of a provision whereby insurance cover must be for a period of not less than 6 months in duration on first application for a vehicle licence and on renewal is prejudicial to the insurance business carried out by our client company. It is the view of ourselves and our client that the introduction of such a provision is unnecessary, unreasonable, discriminatory and unlawful.

We are aware that a consultation period for the draft amendment closes on 31 July 2014.

The licensing of hackney carriages and private hire vehicles is carried out by taxi licensing authorities under Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976. The 1976 Act does not specify a minimum period of insurance. Thus, the position is no different to when a DVLA tax disc is applied for, in that a certificate of insurance does not need to

cover the whole period for which the licence is issued. Section 48(1) of the 1976 Act provides that a District Council shall not grant a vehicle licence unless satisfied that there is in force in relation to the use of the vehicle a policy of insurance or security as complies with the requirements of the Road Traffic Act.

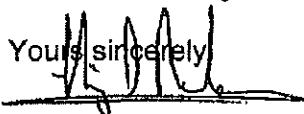
Whilst we would accept that the taxi licensing authority can make it a condition precedent to granting a licence that a valid certificate of insurance will be produced before the licence is released, it does not have the power to make it a condition precedent to granting a licence, that the period of insurance should be of any particular duration. All that is required is that the insurance is valid under the Road Traffic Act and the public is thereby protected.

In our view, a taxi licensing authority cannot in law maintain a position whereby taxi drivers are not permitted to have motor insurance cover of, say, 7 days duration. The licensing authority's powers and duties are regulatory in the public interest and not in its own. Licensing authorities are prohibited from granting drivers and operators licences unless they are satisfied that applicants are fit and proper persons. An applicant who is deemed to be fit and proper to hold a licence can be expected to ensure that valid motor insurance is in place at all times. In addition, the licensing authority has the power to inspect motor insurance certificates and the issue of a certificate of less than 6 months in no way prejudices such checks. Furthermore, a certificate issued for 7 days is not capable of cancellation. Therefore, if a 7 day certificate is produced, it is valid. A certificate issued for a period of more than 7 days is capable of cancellation and therefore the production of such a certificate is not necessarily proof that there is valid insurance cover in place.

So far as the interests of public safety are concerned, as stated above, long term certificates can be cancelled and production of such is not necessarily proof of a current contractual insurance arrangement. Furthermore, the primary concept which underpins motor insurance in the UK is that no innocent person who is injured in a road traffic accident will go uncompensated, irrespective of the presence or absence of effective insurance. This result is achieved by a mixture of contractual obligations, the Road Traffic Act 1988, and the Motor Insurers Bureau.

You will appreciate that the implementation of the insurance provision mentioned above is against our client company's commercial interest and of those it insures, therefore implementation of the insurance amendment would, if necessary, be challenged through the Courts. Hopefully, such action can be avoided.

We await hearing from you.

Yours sincerely


RobinsonMurphy

Trevor Durham

From: [REDACTED]
Sent: 09 July 2014 22:08
To: Trevor Durham
Cc: Denise Hawksworth (Cllr)
Subject: Re: consultation

dear Mr Durham,

can I say that in respect to this issue please be careful as some know that this would eliminate quite a big chunk of the opposition mainly the big company's who own most of the hackneys hence giving them an advantage.

one insurer alone has 70 on his books who pay weekly and would have to lay staff off or even close causing more job losses in chesterfield and there has already been to may innocent people lost their jobs and homes in chesterfield already. if some do this it would be small minority and we should not be penalising the majority good honest driver but talking the issue to them and weeding out the few who are doing it but as you know if any car is not insured the police traffic officer who parks at the top or corporation street and on Sheffield road most night would get them as they passed.

do you also now of any cases were this has happened or do the individuals in the trade who have brought this up know of any or reported any one to yourself for doing this?

thank you

Paul Mann

From: Trevor Durham <Trevor.Durham@Chesterfield.gov.uk>
To: [REDACTED]
Sent: Wednesday, 9 July 2014, 16:13
Subject: RE: consultation

Paul,

The suggestion on insurance policies came from members of the taxi trade who felt some drivers/operators were abusing the system by having weekly policies that may not be renewed, thereby putting passengers and other road users at risk.

As regards the budget, I'll record your request under 'freedom of information' and ask for the figures from accounting.

Trevor Durham
Licensing Manager
Chesterfield Borough Council,
Customer Service Centre,
85 New Square, Chesterfield. S40 1AH
01246 345203

From: [REDACTED]
Sent: 08 July 2014 09:18
To: Trevor Durham
Cc: Denise Hawksworth (Cllr)
Subject: consultation

hello Mr Durham.

in respect the consultation letter sent out to all operators and drivers I would like to make an objection to eth section which refers to length of insurance policy. this would affect a lot of drivers and would with out a doubt put a lot in to financial difficulty at a time when the trade is on its knees as it is. with this in mind can I please ask what the reasoning for this idea and a full written explanation why and who came up with it.

plus can I also please ask for a copy of the taxi licensing account for the past three years. this has to be the taxi section only and not a full accounts of the department

thank you

Paul Mann

This email is confidential, may be legally privileged & may contain personal views that are not the views of Chesterfield Borough Council. It is intended solely for the addressee.

Under the Data Protection Act 1998 & the Freedom of Information Act 2000 the contents of this email may be disclosed.

Although the Council has taken reasonable precautions to ensure that no viruses are present in this email, the Council cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

Chesterfield Borough Council reserves the right to monitor both sent & received emails.

Trevor Durham

From: Ian Bassett [REDACTED]
Sent: 09 July 2014 19:13
To: Trevor Durham
Subject: Insurance Policy

Hi , regarding the length of policy to be accepted by the council can I point out one of many thing that this will affect , when someone wants to become a taxi driver he has many items to pay out of his own pocket to do this . I'm sure your aware how much this amounts too and on top of this not being able to pay your insurance weekly just makes it a near impossibility to be able to afford , can I point out that taxi insurance companies DO NOT take in to account your private car insurance as in how much no claims discount you have built up. Having had quotes of between £3500 and £5300 and the companies wanting 25% as deposit which is £875 and £1325 respectively it makes it impossible to afford , when a driver takes out a weekly policy there's NO DEPOSIT to find and your covered from day one.Hope you take this as a valid point , Ian Bassett Badge number CD1373 Plate number 591 A-Line driver Chesterfield.

Sent from my iPad

[Faint, illegible text]

Trevor Durham

From: Nicola Aldersley [REDACTED]
Sent: 09 July 2014 14:03
To: Trevor Durham
Subject: Taxi Insurance

Dear Trevor,

I am writing with huge concerns over your proposal to withdraw weekly insurance policy's for Taxi drivers. As a taxi company owner I can not stress enough the detrimental impact this would have on not only my business but the drivers themselves and the council. Most of these drivers can not afford to buy annual insurance as in most cases the policy's are in excess of £2000, therefore can only manage to pay for there policy's on a weekly basis giving the driver a) an affordable amount to pay each week, b) making them legal to transport passengers and c) giving the drivers an incentive to work hard during the week to earn enough money to keep up with their affordable payments. Most drivers do not have a bank account or credit history so can not even contemplate taking out a yearly policy. This would penalise so many people.

If the new policy would put in place I myself would easily loose 30+ drivers. This would mean my income as a business would loose over £2500 per week, I would have to forfeit my council contracts as I wouldn't have enough drivers to cover them all, which also provides my business with income and the drivers a good wage. The effect this has on my business would mean I would have to make at least 2 members of my staff redundant so potentially 32 people out of work, 32 extra people claiming job seekers allowance and 32 people needing to find work in the most difficult of climates. Not to mention the huge loss on my own families income.

This is very hard for me to comprehend has for the past year A-Line has worked along side the job centre creating more jobs for people wanting to earn a living and provide for their families. I feel we are on a never ending battle and sometimes wonder why we try so hard!!!

The council would loose money due to the fact 30+ people just from our organization would no longer be renewing their badges and as it is already hugely expensive to become a taxi driver I would predict very little new starters to the job!!

The knock on effect this has to families who are already struggling to earn a decent wage to provide enough basic means to support their family would be destroying.

We have looked into 6 month insurance policy's but are yet to find any, and no-one we have found would provide 6 months credit policies!

I would very much appreciate it if you could reconsider this proposal and keep the weekly affordable insurance policy's available to our drivers.

Kindest regards

Nicola

--

Nicola Aldersley
Administration & Accounts Manager
A-Line Taxis & Hill Top Cars

Mobile : [REDACTED]
Email : [REDACTED]
Website : www.a-linetaxis.co.uk

Trevor Durham

From: Stephen Aldersley [REDACTED]
Sent: 09 July 2014 13:39
To: Trevor Durham
Subject: Taxi insurance

Regards taxi weekly insurance. I think this is wrong to cancel this because it will put alot of people out of work and will stop new drivers joining the taxi industry. It is over £4000 for an average new starter and the people I help from the job center to get back into work , would no longer be able ti do this. Even trades people in industries are allowed to be buy there tools on weekly policys. le electricians mechanics. Remember taxis are a tool to provide money and put food on the table for familys. We should be helping people back into work not making it impossible. All insurance companys require a deposit, which in most cases is over £1000 and to be able to pay monthly you have to have good credit which alot of drivers dont have because they have never borrowed before and built up a credit history or have got behind because of loosing jobs or being out of work. Thanks stephen aldersley Sent from my iPhone

Mr David Lowe

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Sir,

Having received your letter dated the 1st July 2014, I strongly disagree with one proposal you intend to put into place. **Length of insurance policy - Schedule 1 par. 8.4** appears to be a ridiculous proposal. I feel this way due to the fact that as a taxi driver I get paid cash, so paying the insurance cash weekly works really well for me, also finding the deposit on a monthly policy would not be ideal. What I fail to understand is if my vehicle is insured in the eyes of the law, why it should make any difference if it is paid weekly, fortnightly, monthly or yearly. It is an unlawful proposal.

Yours Sincerely,



David Lowe

CORPORATE RESPONSIBILITY ACCOUNTANCY SERVICES
25 JUL 2014
REFERRED TO

Trevor Durham

From: Joanne Rowley [REDACTED]
Sent: 10 July 2014 19:22
To: Trevor Durham
Subject: re changes

re Trevor Durham

the proposed cancellation of weekly insurance would cause extreme difficulty to new drivers i recruit into the trade. At the moment there is a steady stream of people coming from the job centre. The job centre part pays for there tests and badge to help with getting people of benefits. All the drivers we have given jobs to pay weekly insurance cancellation of weekly insurance would cause extreme hardship for new drivers and new applicants coming into the trade. There is also a large number of drivers that have worked in the borough for a long time also pay weekly insurance, is it right to force all these people back onto benefits when people are struggling so much in this financial climate.

yours Mr Trevor Cross
recruitment manager
A-line taxis

Trevor Durham

From: Craig M Bonney [REDACTED]
Sent: 14 July 2014 09:24
To: Trevor Durham
Subject: Scrapping weekly car insurance facility

Sent on behalf of Mrs Deborah Curtis.

Dear Mr Durham,

As a self-employed taxi-driver I wish to register my objection to the proposed removal of the weekly car insurance facility. Myself and many other self-employed taxi-drivers find this facility to be extremely helpful as, by the nature of our job, our incomes can be very precarious. This facility allows us to comply with the law, but in a way that 'makes work pay'. The withdrawal of this facility would ultimately lead to many of us having to give up our work as we would no longer be able to afford it. I sincerely ask you to seriously reconsider this proposal as I love my job, but would be financially incapable of continuing were this invaluable facility to be withdrawn.

Yours Sincerely,
Deborah Curtis