

Hackney Carriage and Private Hire Licensing Procedures and Conditions document
(for Regulatory Committee approval only)

*The shaded recommendations below represent major changes to existing Council practice and conditions.

R1

- C10.1 The holder of a vehicle proprietor licence (or in the case of a company or partnership, on any of the directors or partners) must notify the council within 48 hours of any of the following:
- a. A conviction for any criminal or road traffic offence (including fixed penalty offences).
 - b. Any grant of bail (conditional or unconditional) by any court or police station.
 - a. Any court cases pending against them including Court Orders injunctions, community protection notices, County Court Judgments and High Court Judgements
 - c. Whether they have been arrested, cautioned or received an official warning from the police.

- E6 The holder of a combined driver licence must notify the council within 48 hours of any of the following:
- b. A conviction for any criminal or road traffic offence (including fixed penalty offences).
 - c. Any grant of bail (conditional or unconditional) by any court or police station.
 - d. Any court cases pending against them including Court Orders injunctions, community protection notices, County Court Judgments and High Court Judgements
 - e. Whether they have been arrested, cautioned or received an official warning from the police.

- J38 The holder of a private hire operator licence (or in the case of a company or partnership, on any of the directors or partners) must notify the council within 48 hours of any of the following:
- d. A conviction for any criminal or road traffic offence (including fixed penalty offences).
 - e. Any grant of bail (conditional or unconditional) by any court or police station.
 - f. Any court cases pending against them including Court Orders injunctions, community protection notices, County Court Judgments and High Court Judgements

- g. Whether they have been arrested, cautioned or received an official warning from the police.

Penalty Points

D4	Failure to notify the Council of any conviction, caution, motoring offence, civil or other enforcement action or any pending action of the same, within 48 hours	C	6
P26	Failure to notify the Council of any conviction, caution, motoring offence, civil or other enforcement action or any pending action of the same, within 48 hours	C	6
O26	Failure to notify the Council of any conviction, caution, motoring offence, civil or other enforcement action or any pending action of the same, within 48 hours	C	6

Current Council condition(s) state that licence holders have 14 days to provide this information.

		Major	Minor
R1	Impact of change on Licensed Trade	√	
R1	Impact of change on Taxi Licensing Service		√

R2

3) Where the applicant has claimed Asylum

- a) The applicant must satisfy the Council that he or she is unable to contact their home Country or any Country that the applicant has resided in for more than 3 months in the last 10 years due to reasons for which he or she was granted Asylum. Some countries will not provide a Certificate of Good Character unless the individual has been a resident for 6 months or more and in these circumstances the Council will accept those certificates.

Three Months outside the UK

- E7 If the Licensee is outside of the United Kingdom for a period of 3 months or more the Licensee shall notify the Council upon their return to the UK and prior to undertaking any licensed activities authorised by this licence.

The Council's current condition states that new applicants must provide a Certificate of Good Conduct if they are out of the country for 6 months.

		Major	Minor
R2	Impact of change on Licensed Trade	√	
R2	Impact of change on Taxi Licensing Service		√

R4

E38 A licence holder must sign up to the DBS Update Service on the grant of their licence and remain on the Update Service until expiry.

Penalty Points

D47	Failure to continue membership of the DBS Update Service	C	6
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The Council does not have a condition on this issue as current Council policy states that drivers must have their criminal record checked every 3 years on renewal and the Update Service is optional.

		Major	Minor
R4	Impact of change on Licensed Trade	√	
R4	Impact of change on Taxi Licensing Service		√

R7

Staff Register

J35 Operators must keep a register of all staff (employed & contracted) that will take bookings or dispatch vehicles/drivers on its behalf (ie 'Staff Register').

Staff DBS Disclosure

J36 Operator must have sight of a Basic DBS disclosure for all staff noted in the staff register. Should a member of staff have convictions the Operator must ensure that the employee is compatible with their policy on employing ex-offenders.

Ex-Offender Policy

J37 Operators must have a policy on employing ex-offenders who will undertake the role of bookings or dispatching vehicles/drivers. The policy will outline which convictions are not suitable for those employees/contractors who book/dispatch drivers/vehicles to collect children or vulnerable adults that are unaccompanied in a vehicle.

Penalty Points

O22	Failing to have an up to date Staff Register	C	4
O23	Failing to have an ex-offender policy	C	4
O24	Failing to have sight of DBS checks on staff noted in the Staff Register	C	4

The Council does not currently have conditions on these matters.

		Major	Minor
R7	Impact of change on Licensed Trade	√	
R7	Impact of change on Taxi Licensing Service		√

R8

Records to be kept of private hire bookings

J9 The licence holder shall keep a permanent record of every booking of a private hire vehicle invited and accepted by them, whether direct from the hirer or by undertaking the bookings at the request of another operator. The record entries must be made before the commencement of each journey and shall include:

- a. The time and date of the booking
- b. The time; date and location of pickup point
- c. Details of the destination (if possible)
- d. The name (or other identifying mark such as a reference number) and contact details of the hirer (if possible)
- e. The registration number of the vehicle and the driver allocated for the journey.
- f. If a booking accepted is sub-contracted to another operator, details of the operator to whom it is sub-contracted
- g. If a booking is accepted from another operator, the details of the operator from whom it was received.
- h. The name of the driver
- i. The driver's licence number
- j. The name of any individual that responded to the booking request
- k. The name of any individual that dispatched the vehicle

Current Council condition J9 does not include H-K.

		Major	Minor
R8	Impact of change on Licensed Trade	√	
R8	Impact of change on Taxi Licensing Service		√

R9

J38 The dispatching of a Public Service Vehicle (9 or more seats) and driver (who holds a PCV licence) to meet a private hire vehicle booking can only be done so with the informed consent of the person making the booking.

Penalty Points

O25	Failing to advise customer of PSV	C	4
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The Council does not currently have a condition on booking PSVs.

		Major	Minor
R9	Impact of change on Licensed Trade	√	
R9	Impact of change on Taxi Licensing Service		√

R10

D8.5 Failing to satisfy the Council that appropriate right to work entitlement is held will result in the refusal of an application or, if after a licence is granted the suspension or revocation of a licence. Applicants are advised to ensure that they update and renew any right to work entitlement in good time to avoid delays that will prevent them from working. Applicants may be required to consent to a check with the Home Office and provide relevant home office case work reference numbers to enable the Council to check their entitlement. Where a licence holder has been served with an immigration penalty or convicted of an immigration offence their licence will be revoked immediately.

The Council does not currently have a guideline on immigration offences.

		Major	Minor
R10	Impact of change on Licensed Trade	√	
R10	Impact of change on Taxi Licensing Service		√

R32

D7.7 Licence holders will be expected to undertake CSE, County Lines and safeguarding training prior to being licensed. The training course will help drivers and operators:

- Provide safe and suitable service to vulnerable passengers of all ages
- Recognise what makes a person vulnerable
- Understand how to respond, including how to report safeguarding concerns and where to get advice

R36

9.5.1 A penalty point warning and education scheme is designed to assist the trade in remaining compliant with regulatory requirements. These processes will be adopted and revised from time to time by the Regulatory Committee. These schemes will act as an “early warning” system to drivers, vehicle proprietors, and operators who fail to meet the requirements of their licence.