



To:
**All members of the
Licensing Committee**

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Date: 22 February 2018

Supplementary Agenda

Licensing Committee - Wednesday, 28 February 2018

Dear Councillor

I enclose the following item which was marked 'to follow' on the agenda for the Licensing Committee meeting to be held on Wednesday, 28 February 2018:

4. Update of Spelthorne's Hackney Carriage and Private Hire Licensing Policy 3 - 90

To consider an update report on Spelthorne's Hackney Carriage and Private Hire Licensing Policy and consider the adoption of the finalised Surrey-wide convictions policy and approval of mandatory Child Sexual Exploitation (CSE) training.

Yours sincerely

Gillian Hobbs
Committee Services

To the members of the Licensing Committee

Councillors:

R.W. Sider BEM (Chairman)	R. Chandler	N.J. Gething
R.O. Barratt (Vice-Chairman)	S.M. Doran	A.T. Jones
M.M. Attewell	S.A. Dunn	M.J. Madams
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Licensing Committee

28 February 2018



Title	Update of Spelthorne’s Hackney Carriage and Private Hire Licensing Policy, including the adoption of the finalised Surrey-wide convictions policy and mandatory Child Sexual Exploitation (CSE) training		
Purpose of the report	To make a decision		
Report Author	Rob Thomas		
Cabinet Member	Councillor Nick Gething	Confidential	No
Corporate Priority	Delivering quality of life services		
Cabinet Values	Community and Accountability		
Recommendations	<p>The adoption of the finalised version of the Surrey-wide Hackney Carriage & Private Hire Licensing Policy regarding the relevance of convictions and other related information (hereafter known as the ‘Surrey-wide convictions policy’) will help to prevent the sexual exploitation of vulnerable children and adults, by introducing consistent standards across Surrey.</p> <p>It is recommended that the Committee: -</p> <ul style="list-style-type: none"> • adopt the finalised Surrey-wide convictions policy (attached as Appendix A) to replace the draft version previously attached to Spelthorne’s Hackney Carriage and Private Hire Licensing Policy; • approve the requirement for all existing taxi and private hire drivers to undertake mandatory CSE training by 1 May 2019; • approve the requirement for all new taxi and private hire drivers to undertake mandatory CSE training from the 11 April 2018; and • approve all other minor amendments to the Policy and Penalty Points Scheme. 		

1. Key issues

- 1.1 Spelthorne’s Hackney Carriage and Private Hire Licensing Policy was adopted on 23 May 2017.
- 1.2 Attached as an appendix to this Policy was a draft version of the Surrey-wide Hackney Carriage & Private Hire Licensing Policy regarding the relevance of convictions and other related information (the ‘Surrey-wide convictions policy’),

which provides guidance for members and staff working for Spelthorne Borough Council on how applications and licences should be treated when an applicant presents with a conviction or caution for any number of offences.

- 1.3 Since then, 11 Surrey Local Authorities have consulted on amendments to this convictions policy. The final version, proposed to replace the one currently attached to Spelthorne's Hackney Carriage and Private Hire Licensing Policy, is attached as **Appendix A**.
- 1.4 The Surrey Safeguarding Children Board (SSCB) and its partners – again including 11 Surrey Local Authorities - have agreed a Child Sexual Exploitation Strategy and action plan, which aims to develop a co-ordinated response to child sexual exploitation (CSE) across the County. Licensing targets include taxi and private hire licensing, premises licensed under the Licensing Act 2003, participation in Operation Make safe and information sharing.
- 1.5 Achieving the targets, helps enable Surrey Local Authorities to fulfil their statutory responsibilities defined in Section 11 of the Children Act 2004 to safeguard children and to promote welfare effectively. Delivery of the strategy supports the SSCB's statutory duties to co-ordinate activities to safeguard and promote the welfare of children in Surrey, as well as ensuring the effectiveness of what is being done by partners.
- 1.6 Two actions identified within the CSE action plan and related to taxi and private hire are:
 - Adopting a consistent taxi and private hire convictions policy across Surrey
 - Mandatory CSE training for all taxi and private hire drivers in Surrey
- 1.7 The two changes will raise the standards of public safety across Surrey and build on the positive steps already taken to protect the most vulnerable in our communities.

2. Consultation

- 2.1 Reigate and Banstead Borough Council hosted a six week consultation on behalf of all 11 Surrey Local Authorities between 23 October and 4 December 2017.
- 2.2 The following organisations were invited to respond to the consultation:
 - Institute of Licensing
 - Transport for London
 - Local Government Association
 - National Association of Licensing and Enforcement Officers
 - All District and Borough Councils in the South East of England
 - Surrey Police
- 2.3 The 396 consultation responses received have been analysed collectively, these are shown in **Appendix B**. Responses from the taxi and private hire trade and those who live, work or visit the County are presented separately for comparison purposes.

2.4 There has been separate analysis of each Local Authority area with Guildford responses shown in **Appendix C**. Of the 23 responses, 19% were from the taxi and private hire trade with the remainder mainly from those who live or work in the Borough.

3.0 Convictions Policy - Consultation results

3.1 Local Authorities across Surrey are seeking to standardise the information they take into account when determining if someone is 'fit and proper' by adopting the same convictions policy.

3.2 The consultation results showed support across Surrey for introducing the convictions policy with 73% (69% of the taxi and private hire trade and 76% of those who live and work in the County) in agreement with the relevant convictions and free from conviction timescales being included in the new policy and used when determining if a person is 'fit and proper'. The support within Guildford was stronger with 78% in agreement with introducing the convictions policy.

3.3 There was also strong support for people banned from working with children or vulnerable adults not normally being granted a taxi or private hire licence with 87% (93% of those who live or work in Surrey and 78% of the Surrey taxi and private hire trade) in agreement that it should be included in the policy. Of respondents within the Guildford area 91% were in agreement with the proposed inclusion of this element in the convictions policy.

3.4 Introducing this element in the policy removes the unacceptable risk, which currently exists of those banned from working with children and vulnerable persons not being permitted to drive under a Surrey County Council contract but potentially being granted a licence by a Surrey District or Borough Council.

3.5 Following analysis of all the consultation responses amendments have been made to the draft convictions policy. All consultation comments can be found at:

http://www.reigate-banstead.gov.uk/info/20119/taxi_and_private_hire_licensing/902/taxi_and_private_hire_policy_consultation_2017_results.

The key proposed changes to the policy are:

- Including the ability to consider relevant records or information from a reliable source other than the police when determining if an applicant is fit and proper.
- Clarifying that the policy applies to applicants, which includes companies.
- Confirming Councils will only depart from the policy in exceptional circumstances.
- Clarifying that the 'Offences involving a weapon' heading does not include firearms offences which are in a separate section.
- Increase relevant years for offences involving weapons to 5 years, as consultation feedback highlighted the current standard is too low particularly compared with 5 years for obstruction offences.

- In the alcohol and drug offences section, drunkenness offences not involving a motor vehicle are an addition as they are already in one Local Authorities' policy and excluding them would result in lowering the existing standard.
 - Minor grammatical changes.
 - Changes to clarify the elements that are 'policy' and 'guidance'.
- 3.6 Several respondents wished to see a blanket ban for applicants with certain convictions. When applying the convictions policy, all Licensing Authorities must judge each case on its merits and an absolute prohibition cannot be imposed therefore a mandatory ban is not appropriate and the phrase 'normally would be refused' is used within the policy.
- 3.7 A number of respondents felt that common assault is different from other offences in the 10 year category and a lower number of years would be more appropriate. It is not proposed to lower the period for common assault as it is considered a relevant serious offence and Local Authorities have discretion, as they must judge each case on its merits.
- 3.8 The revised version of the convictions policy taking into account the consultation responses and proposed by all Surrey authorities is at **Appendix A**.
- 3.9 Prior to the policy being implemented training would be arranged for Licensing Officers, Solicitors and Licensing Committee Members to help ensure consistency of application.
- 3.10 Further changes to the convictions policy may be required in the future to comply with guidance issued by organisations such as the Department of Transport or the Institute of Licensing to standardise the convictions policies across the Country.
- 3.11 In the future all 11 Local Authorities will aim to keep the convictions policy consistent across Surrey as guidance and best practice changes.

4.0 Mandatory CSE and Safeguarding Training – consultation results

- 4.1 Surrey Local Authorities want to take appropriate steps to protect the most vulnerable in our society by introducing mandatory CSE and safeguarding training for taxi and private hire drivers. A number of Local Authorities have already introduced this requirement.
- 4.2 Prior to obtaining a Spelthorne private hire or hackney carriage driver licence badge, applicants are required to pass knowledge tests. CSE does not currently form part of this testing criteria.
- 4.3 Results of the consultation showed support for the proposal with 69% (56% of the Surrey taxi and private hire trade and 73% of those who live and work in the County) agreeing that taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver. Amongst Guildford respondents, there was stronger support with 81% in agreement with the proposal.
- 4.4 In total 64% of all respondents support Child Sexual Exploitation training for existing drivers but there was a difference between responding groups. 72% of respondents who live and work in Surrey supported the proposal of existing taxi

and private hire drivers having to complete additional training on Child Sexual Exploitation and Safeguarding. There was less support, only 41%, from the respondents working in the taxi and private hire trade for existing drivers being required to undergo the training. A higher percentage of all Guildford respondents agreed with the proposal, with 81% supporting additional training for existing drivers.

- 4.5 Whilst it is acknowledged there is not widespread support amongst trade respondents the public were in strong support of the proposal and Local Authorities have a social responsibility to take steps to prevent CSE. Due to the nature of their work, the taxi trade are in a unique position to be able to identify CSE therefore it is recommended to retain the proposal requiring existing drivers to complete the training.
- 4.6 If approved, Surrey Local Authorities are ready to implement an online training programme, which would be free for one year to all existing drivers. The training would take approximately one hour to complete and include how to spot signs of child sexual exploitation and how to report concerns of children or vulnerable persons at risk using agreed Surrey processes. There will be a multiple-choice assessment to ensure understanding of the subject matter and each Local Authority will make arrangements for completion of the course.

5.0 Consultations

- 5.1 Surrey Safeguarding Children Board have been involved throughout the consultations and endorse the above-detailed proposals.
- 5.2 Having reviewed the consultation results, the Surrey Licensing Officers Group and Surrey Solicitors Group continue to support the introduction of a common convictions policy and mandatory CSE training across Surrey. The Surrey Chief Executive Group supports the introduction of these proposals with one Chief Executive monitoring implementation of these proposals.

6.0 Other minor amendments to Spelthorne's Hackney Carriage and Private Hire Licensing Policy

- 6.1 Since the adoption of the Policy in May 2017, a number of minor amendments have been identified by Licensing Enforcement Officers (LEOs) working for the Council.
- 6.2 These amendments have been flagged up on the revised Policy (attached as **Appendix D**) via tracked changes.
- 6.3 In Summary they are as follows: -
- Applicants should obtain a new MoT for any vehicle they are presenting to be licensed no more than 14 days before submitting an application. This will ensure that the Council can say with some certainty that when a vehicle was last inspected by one of it's LEOs, it was of a sound mechanical state.
 - All private hire operators will be required to ensure they comply with the Immigration Act 2016 in light of recent amendments, and will keep copies of all paperwork so that they can prove due diligence if requested by an officer of the Council.

- To clear up any grey area, although no smoking is covered by other pieces of legislation and not permitted regardless, wording has been added that categorically advises no smoking can be permitted in a Hackney Carriage or Private Hire vehicle – including vaping.
 - Wording has been added which states that the only permissible reason a driver may refuse to afford assistance in the loading and unloading of luggage is if a medical condition precludes them from doing so.
- 6.5 Amendments have also been made to bring requirements for the notification of driving licence endorsements, fixed penalty notices, warnings, reprimands, police cautions, criminal convictions and other criminal proceedings into line with the Surrey-wide convictions policy.
- 6.6 Some minor changes have been made to Spelthorne’s Penalty Points Scheme (attached as **Appendix E**) so that it matches up with the Policy accordingly.

7.0 Options analysis and proposal

- 7.1 There are a number of options for Licensing Committee to recommend to Council:
- Reject one or more of the recommendations
 - Amend the convictions policy and/or training requirement
 - Recommend the options as presented
- 7.2 Officers recommend that both the convictions policy and CSE training for all new and existing taxi drivers be adopted as presented to help ensure consistency across all Surrey Local Authorities in protecting children and vulnerable adults from CSE.

8.0 Financial implications

- 8.1 Modifications to the policy and consultation will be met within existing budgets.
- 8.2 The Surrey Chief Executive Group has agreed to pay for the CSE training for one year to support its introduction so there is no cost to existing drivers. Spelthorne Council will however be billed for £2000 in due course, to cover the cost of implementing and administering the training.

9.0 Legal Implications

- 9.1 The basis for the changes within the policy is to ensure that the Council fulfils its statutory safeguarding obligations to prevent the exploitation of children and vulnerable persons more effectively.
- 9.2 The current taxi byelaws remain unchanged.
- 9.3 There is no statutory requirement to have a taxi and private hire licensing policy; however, it is good practice to do so. A policy assists with consistent decision-making; however each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.

9.4 In relation to taxi and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. These allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, and to refuse a licence to drivers if we are not satisfied that the drivers are fit and proper persons to hold a licence. They also allow conditions to be attached to licences (with the exception of hackney carriage driver's licences).

10.0 Other considerations

10.1 To amend the delegations to permit the Senior Head of Environmental Health to agree minor changes to Spelthorne's Hackney Carriage and Private Hire Policy as and when they arise so as to expedite the implementation of alterations which benefit the taxi-using public by ensuring their safety and helping to minimise the Licensing department's workload.

11.0 Relevant background information:

11.1 Report of Professor Jay into Child Sexual Exploitation in Rotherham (September 2014)

http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham

11.2 Casey report into Rotherham Metropolitan Borough Council (February 2015)
<https://www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council>

11.3 Surrey Safeguarding Children Board, Child Sexual Exploitation Strategy 2016-17

<http://www.surreyscb.org.uk/wp-content/uploads/2016/05/SSCB-CSE-Strategy-2016-17.pdf>

11.4 Surrey Safeguarding Children Board, Child Sexual Exploitation Action Plan 2016-17

<http://www.surreyscb.org.uk/wp-content/uploads/2016/12/Updated-joint-Surrey-CSE-Plan-Dec-2016-v.4.0.pdf>

12.0 Appendices:

12.1 Appendix A – Finalised version of Surrey-wide Hackney Carriage & Private Hire Licensing Policy regarding the relevance of convictions and other related information changes (referred to above as the 'Surrey-wide convictions policy')

12.2 Appendix B – Responses from all Surrey authorities to Reigate and Banstead Borough Council's six-week consultation

12.3 Appendix C – Responses to Guildford Borough Council's six-week consultation

12.4 Appendix D – Proposed amended version of Spelthorne's Hackney Carriage and Private Hire Licensing Policy, marked with tracked changes

12.5 Appendix E – Proposed amended version Spelthorne's Penalty Points Scheme

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Hackney Carriage & Private Hire Licensing

Policy regarding the relevance of convictions and other related information

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1. Introduction

- 1.1 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.
- 1.3 The Council is mindful that each case must be considered on its merits and where exceptional circumstances demand, the Council may depart from this policy.
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
 - Applicants for a driver's, vehicle or private hire operator licence
 - Existing licensees whose licences are being reviewed or renewed
 - Licensing officers
 - Members of the licensing committee/sub-committee
 - Magistrates and Judges hearing appeals against local authority decisions
- 1.5 For renewal applications and current licence holders the policy will not be applied retrospectively. However the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 1.6 It is the responsibility of Spelthorne Borough Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty the Council must consider the need to ensure the safety of the public its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.
- 1.7 In seeking to safeguard the safety of the public. The council will be concerned to ensure:
 - That a person/applicant is fit and proper in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)

- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

1.8 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?’

If the answer to this question (or a similar test) is an unqualified ‘Yes’ then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage driver’s licence.

1.9 The Council will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Number of endorsed DVLA driving licence penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
- The previous licensing history of existing / former licence holders.

In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services other licensing authorities, other departments within the Council, and statutory agencies.

1.10 In this policy, the word “applicant” refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

1.11 In this policy, the word “conviction” is to be defined as including convictions, cautions, warnings, reprimands and other relevant information.

1.12 The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

1.13 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. A licensed PHV or taxi driver is expected to be trustworthy. In the course

of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern, The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

2 General Policy

2.1 Whilst the Council may consider that an applicant with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
- b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that an applicant is a fit and proper person to hold a licence.

2.2 The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3 Powers

3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, of failure to comply with the provisions of the Town Police Clauses Act 1847 or of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or if he/she has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or for any other reasonable cause.

3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore the council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be

declared.

4 Consideration of disclosed criminal history

- 4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Operator or Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look at:
- How relevant the offence(s) are to the licence being applied for
 - How serious the offence(s) were
 - When the offence(s) were committed
 - The date of the conviction, warning, caution etc.
 - Circumstances of the individual concerned
 - Any sentence imposed by the court
 - The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
 - Whether they form part of a pattern of offending
 - The applicant's attitude
 - Any other character check considered reasonable (e.g. personal references if requested by the Council)
 - Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder,
 - Whether the applicant has intentionally misled the council or lied as part of the application process,
 - Information provided by other agencies/council departments.

Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

- 4.2 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.
- 4.3 Existing holders of driver's licences are required to notify the council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not).

To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

- 4.4 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 4.5 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

5 Options when determining an application/licence

- 5.1 When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:
- grant the licence or take no further action
 - grant the licence with additional conditions
 - refuse, revoke, or suspend the licence
 - issue a warning which may include the use of enforcement penalty points
- 5.2 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

6. Offences involving violence

- 6.1 Licensed drivers have close regular contact with the public. A licence will not normally be granted if the applicant has a conviction for an offence that involved the loss of life such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 6.2 A licence will not normally be granted until at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:
- Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated

- Actual bodily harm
- Assault occasioning actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Common assault
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Affray
- Any offence that may be categorised as domestic violence
- Harassment, alarm or distress, intentional harassment or fear of provocation of violence
- Any offence (including attempted or conspiracy to commit offences) similar to those above.

6.3 A licence will not normally be granted until at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

7. Offences involving a weapon (not a firearm)

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. For firearms offences see 6.2.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

7.3 2 or more convictions for a violent offence will normally result in an application being refused.

8. Sexual and indecency offences

8.1 All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be refused. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) or offences which replace the above

8.2 In addition to the above the council will not normally grant a licence to any applicant who is or has ever been on the Sex Offenders Register or similar register.

9. Dishonesty

9.1 A serious view is taken of any conviction involving dishonesty.

9.2 A minimum period of 5 years free of conviction or at least 5 years since the completion of sentence (whichever is longer) is required to have passed before a licence is granted. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- false representation

- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- fare overcharging
- or any similar offences (including attempted or conspiracy to commit) or offences which replace the above

9.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

9.4 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will normally be rejected or refused.

10. Alcohol and Drugs

10.1 A serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs or where the driver has been found to be under the influence of psychoactive substances.

10.2 At least 5 years, after the restoration of the DVLA driving licence following a drink drive or driving when under the influence of drugs conviction should elapse before an application will be granted.

10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 10 years or at least 10 years have passed since the completion of any sentence and/or licence period, whichever is the greater. There will then be full consideration of the nature of the offence and the quantity /type of drugs involved.

10.4 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs.

10.5 If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict (drug or alcohol) then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

10.6 A licence will not normally be granted for drunkenness offences not involving a motor vehicle for a period of one year after a single conviction and 2 years after 2 or more convictions within 2 years of each other.

11. Driving offences involving the loss of life

11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

11.2 A licence will not normally be granted if an applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

12 Other traffic offences

12.1 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.

12.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

12.3 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. **However, with existing licensees they may be subject to separate consideration as part of the Penalty Points Enforcement Policy.**

12.4 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

12.5 In this policy, the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

12.6 In "totting up" cases where disqualification is considered by the Court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the licensing authority is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

13 Outstanding Charges or Summonses

- 13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

14 People banned from working with children and vulnerable adults

- 14.1 A serious view is to be taken of any applicant or licence holder who has been banned from working with children or vulnerable adults. A licence will not be normally be granted if an applicant has been found unfit to work with children or vulnerable adults.

15 Non-conviction information

- 15.1 The Council will take into account intelligence which has not led to a conviction. This may include but not be limited to information regarding acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, civil penalties and complaints from the public. In considering the most appropriate action to take following the receipt of information), the credibility of both the witness / complainant and the licence holder will be taken into account.
- 15.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application or revoking an existing licence.
- 15.3 In assessing the action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.
- 15.4 A licence will not normally be granted until at least 1 year has elapsed since a Criminal Behaviour Order.

16 Licensing Offences

- 16.1 Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

17 Insurance Offences

- 17.1 A serious view will be taken of convictions for driving, being in charge of a vehicle without insurance, or allowing person to drive whilst uninsured. A previous isolated

incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.

- 17.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator's Licence reviewed with a view to revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.
- 17.3 Where a specific offence is not mentioned, a suitable period of time will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

18 Applicants with periods of residency outside the UK

- 18.1 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.
- 18.2 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.

19 Summary

- 19.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public and caution will be exercised.
- 19.2 While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Combined Surrey Boroughs and Districts survey results 2017

Your view on Taxi and Private Hire Conviction Policy and Safeguarding Training

Wednesday, December 06, 2017

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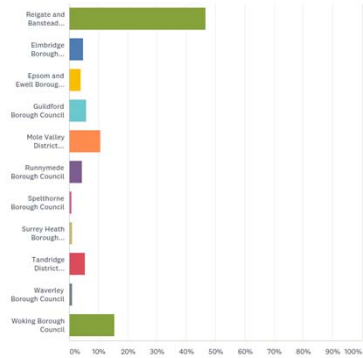
393

Total Responses

Date Created: Tuesday, June 27, 2017

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Q1: If more than one applies to you choose the most relevant to you.

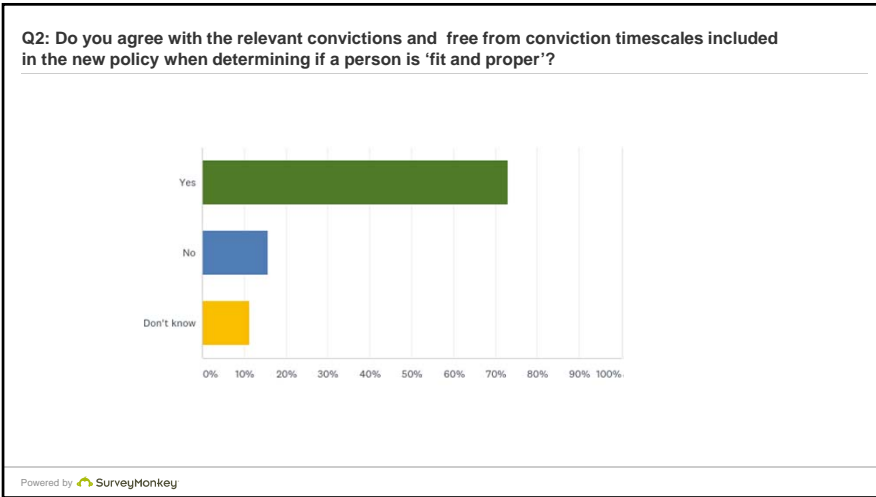


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Q1: If more than one applies to you choose the most relevant to you.

ANSWER CHOICES	RESPONSES
Relgate and Banstead Borough Council	46.56% 183
Elmbridge Borough Council .	4.83% 19
Epsom and Ewell Borough Council	4.07% 16
Guildford Borough Council	5.85% 23
Mole Valley District Council	10.69% 42
Runnymede Borough Council	4.33% 17
Spelthorne Borough Council	0.76% 3
Surrey Heath Borough Council.	1.02% 4
Tandridge District Council	5.34% 21
Waverley Borough Council	1.02% 4
Woking Borough Council	15.52% 61
TOTAL	393

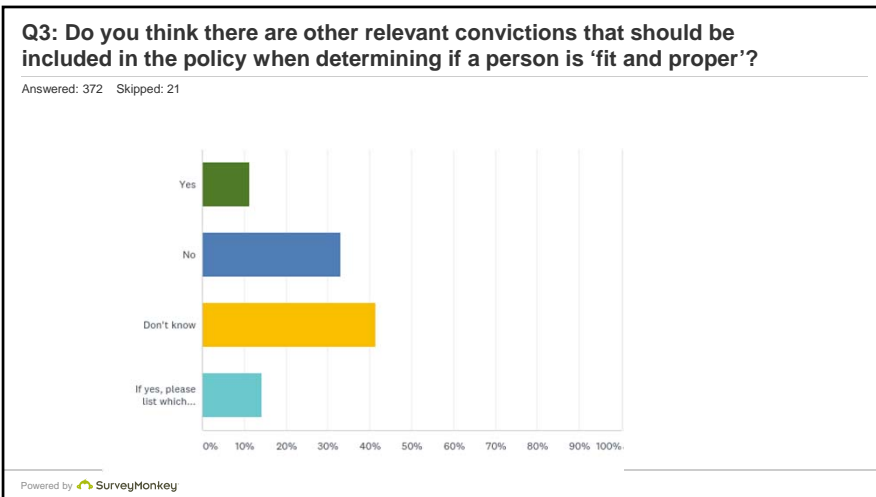
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Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

ANSWER CHOICES	RESPONSES
Yes	72.99% 273
No	15.78% 59
Don't know	11.23% 42
TOTAL	374

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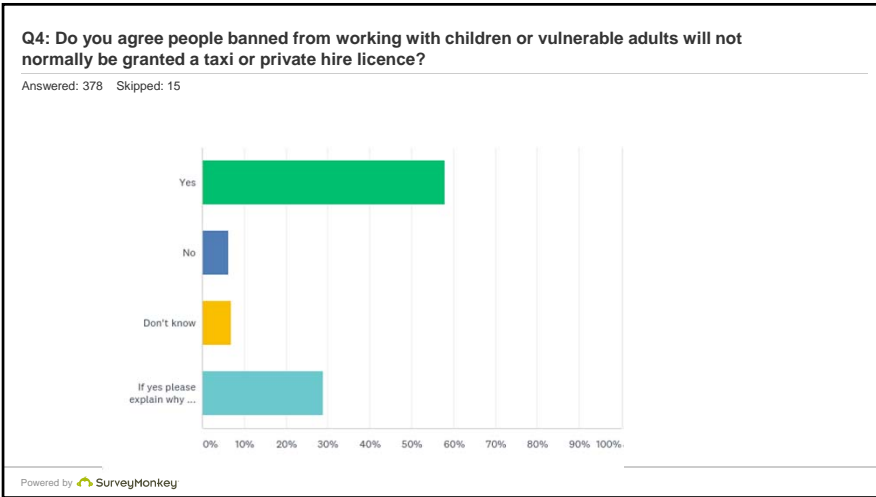


Q3: Do you think there are other relevant convictions that should be included in the policy when determining if a person is 'fit and proper'?

Answered: 372 Skipped: 21

ANSWER CHOICES	RESPONSES
Yes	11.29% 42
No	33.06% 123
Don't know	41.40% 154
If yes, please list which convictions, give reason why and appropriate timescale free from conviction	14.25% 53
TOTAL	372

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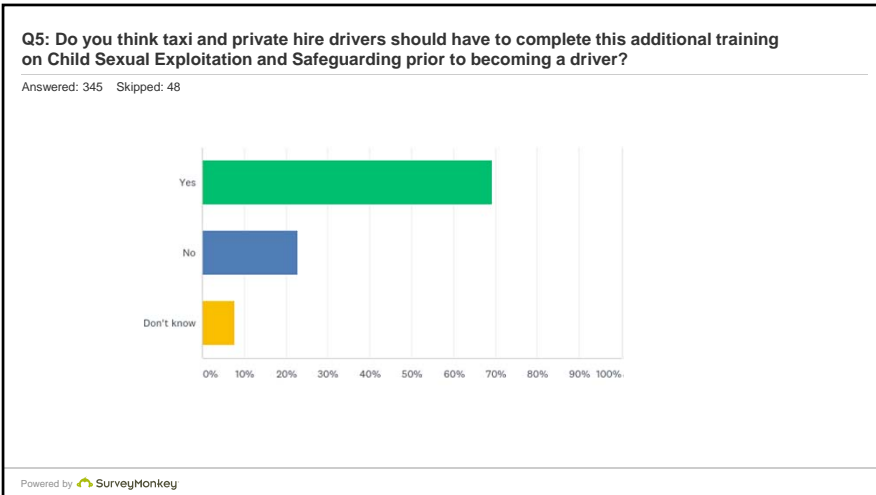


Q4: Do you agree people banned from working with children or vulnerable adults will not normally be granted a taxi or private hire licence?

Answered: 378 Skipped: 15

ANSWER CHOICES	RESPONSES
Yes	57.94% 219
No	6.35% 24
Don't know	6.88% 26
If yes please explain why and time free from convictions?	28.84% 109
TOTAL	378

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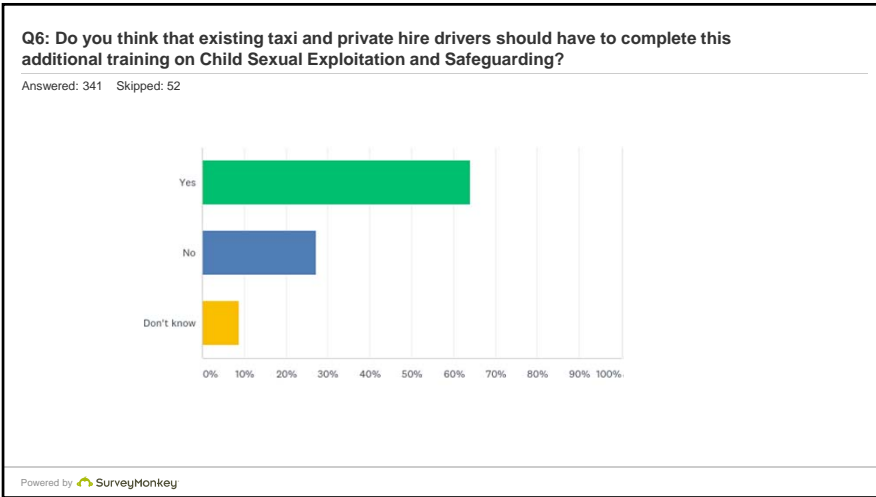


Q5: Do you think taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver?

Answered: 345 Skipped: 48

ANSWER CHOICES	RESPONSES
Yes	69.28% 239
No	22.90% 79
Don't know	7.83% 27
TOTAL	345

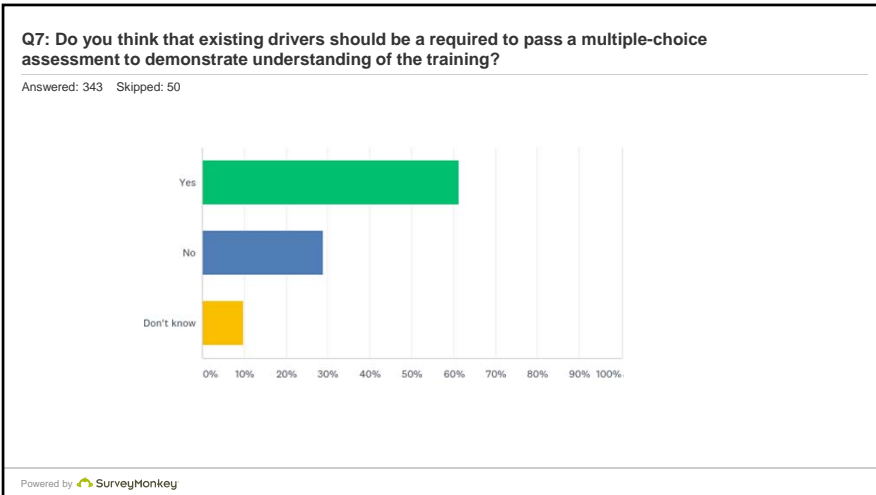
Powered by SurveyMonkey



Q6: Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

ANSWER CHOICES	RESPONSES
Yes	63.93% 218
No	27.27% 93
Don't know	8.80% 30
TOTAL	341

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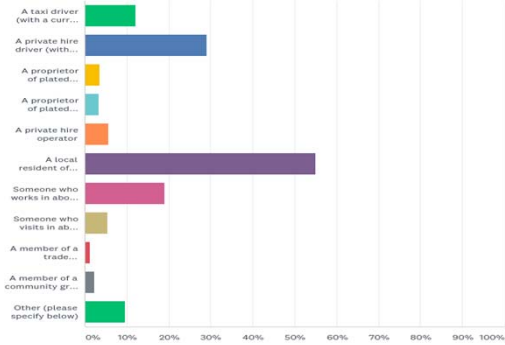
Q7: Do you think that existing drivers should be a required to pass a multiple-choice assessment to demonstrate understanding of the training?

ANSWER CHOICES	RESPONSES
Yes	61.22% 210
No	28.86% 99
Don't know	9.91% 34
TOTAL	343

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Q9: Please tell us about you. Select all that apply.

Answered: 336 Skipped: 57



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Q9: Please tell us about you. Select all that apply.

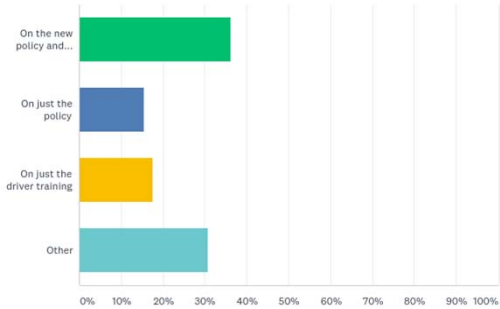
Answered: 336 Skipped: 57

ANSWER CHOICES	PERCENTAGE	RESPONSES
A taxi driver (with a current licence)	12.20%	41
A private hire driver (with a current licence)	29.17%	98
A proprietor of plated hackney carriage vehicle	3.57%	12
A proprietor of plated private hire vehicle	3.27%	11
A private hire operator	5.65%	19
A local resident of above Borough	55.06%	185
Someone who works in above Borough	19.05%	64
Someone who visits in above Borough	5.36%	18
A member of a trade association (please specify below)	1.19%	4
A member of a community group (please specify below)	2.38%	8
Other (please specify below)	9.52%	32
Total Respondents:		336

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Q11: Do you have any further comments

Answered: 91 Skipped: 302



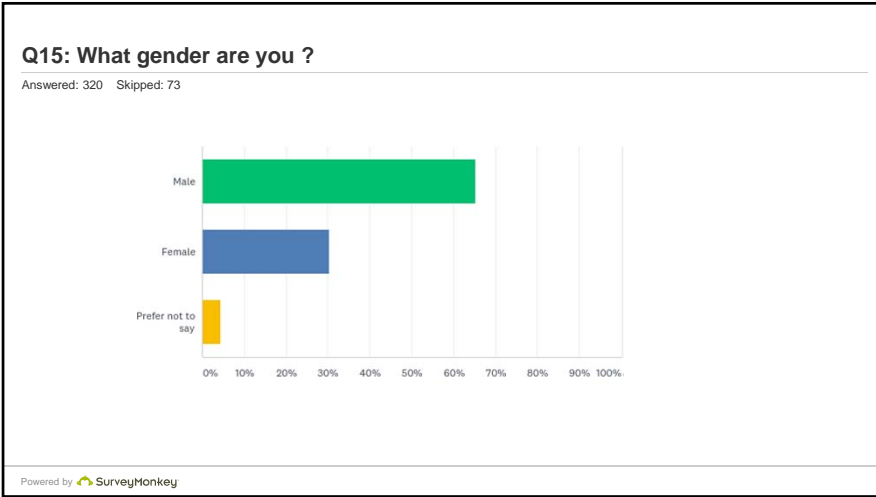
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Q11: Do you have any further comments

Answered: 91 Skipped: 302

ANSWER CHOICES	PERCENTAGE	RESPONSES
On the new policy and driver training	36.26%	33
On just the policy	15.38%	14
On just the driver training	17.58%	16
Other	30.77%	28
TOTAL		91

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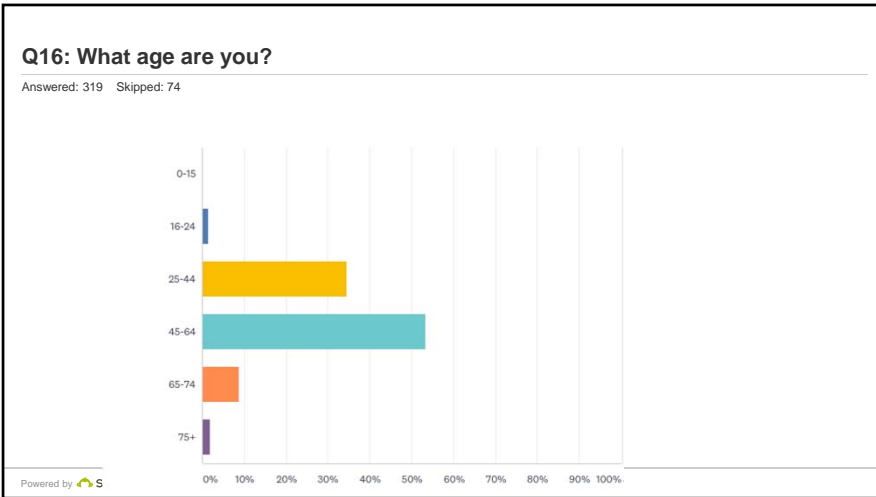


Q15: What gender are you ?

Answered: 320 Skipped: 73

ANSWER CHOICES	RESPONSES
Male	65.31% 209
Female	30.31% 97
Prefer not to say	4.38% 14
TOTAL	320

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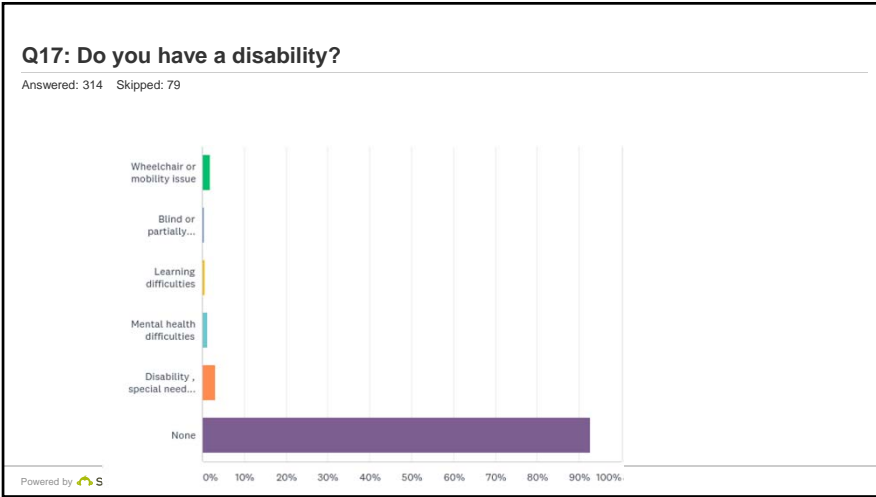


Q16: What age are you?

Answered: 319 Skipped: 74

ANSWER CHOICES	RESPONSES
0-15	0.00% 0
16-24	1.57% 5
25-44	34.48% 110
45-64	53.29% 170
65-74	8.78% 28
75+	1.88% 6
TOTAL	319

Powered by SurveyMonkey



Q17: Do you have a disability?

Answered: 314 Skipped: 79

ANSWER CHOICES	RESPONSES
Wheelchair or mobility issue	1.91% 6
Blind or partially sighted	0.32% 1
Learning difficulties	0.64% 2
Mental health difficulties	1.27% 4
Disability, special need or medical condition not listed	3.18% 10
None	92.68% 291
TOTAL	314

Powered by SurveyMonkey

Live or work in Surrey survey results 2017
Your view on Taxi and Private Hire Conviction Policy and Safeguarding Training

Thursday, December 07, 2017

Powered by SurveyMonkey

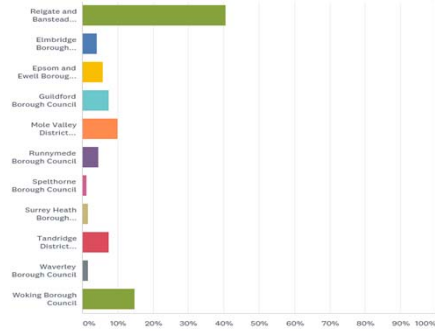
237
Total Responses

Date Created: Tuesday, June 27, 2017

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Q1: If more than one applies to you choose the most relevant to you.

Answered: 237 Skipped: 0



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Q1: If more than one applies to you choose the most relevant to you.

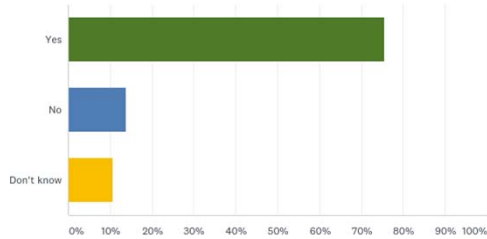
Answered: 237 Skipped: 0

ANSWER CHOICES	RESPONSES
Reigate and Banstead Borough Council	40.51% 96
Elmbridge Borough Council .	4.22% 10
Epsom and Ewell Borough Council	5.91% 14
Guildford Borough Council	7.59% 18
Mole Valley District Council	10.13% 24
Runnymede Borough Council	4.64% 11
Spelthorne Borough Council	1.27% 3
Surrey Heath Borough Council.	1.69% 4
Tandridge District Council	7.59% 18
Waverley Borough Council	1.69% 4
Woking Borough Council	14.77% 35
TOTAL	237

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Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

Answered: 233 Skipped: 4



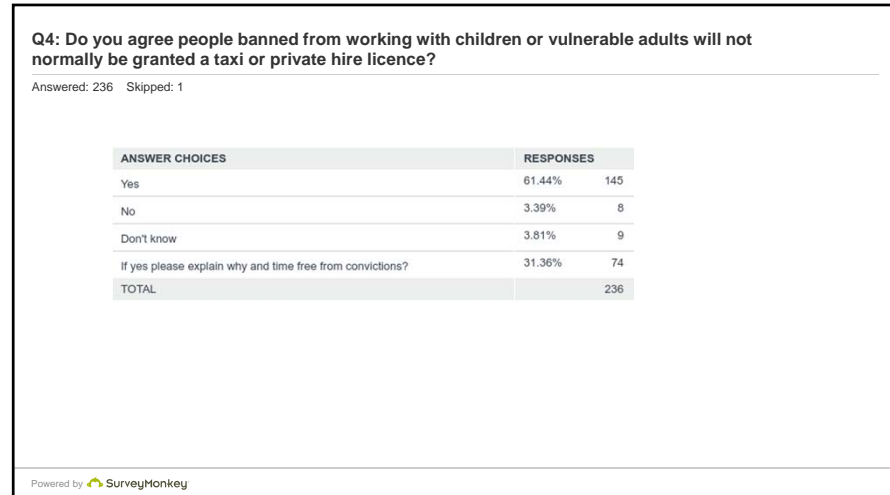
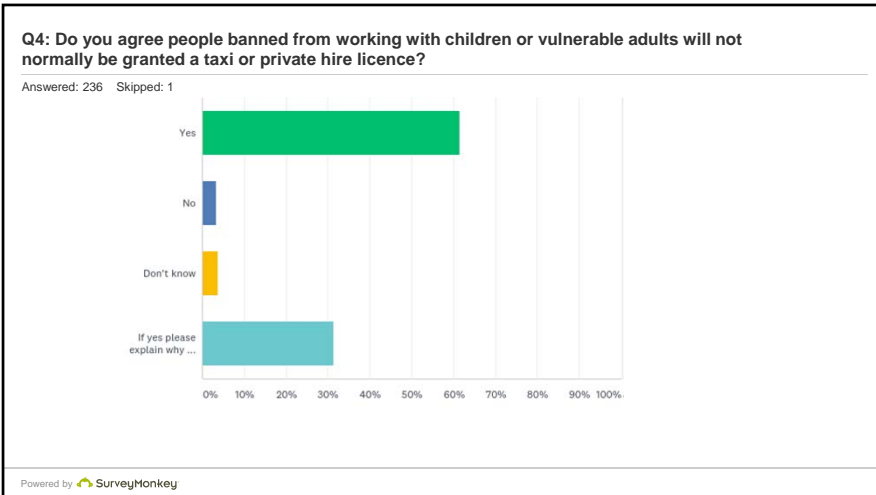
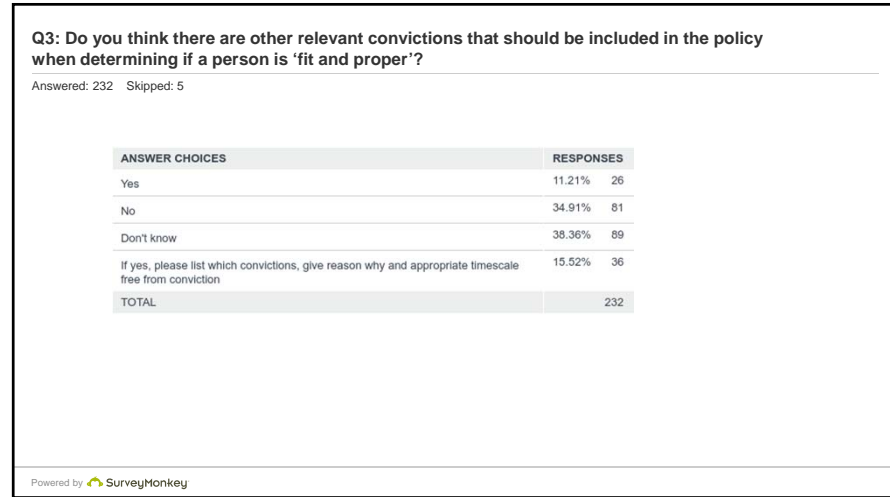
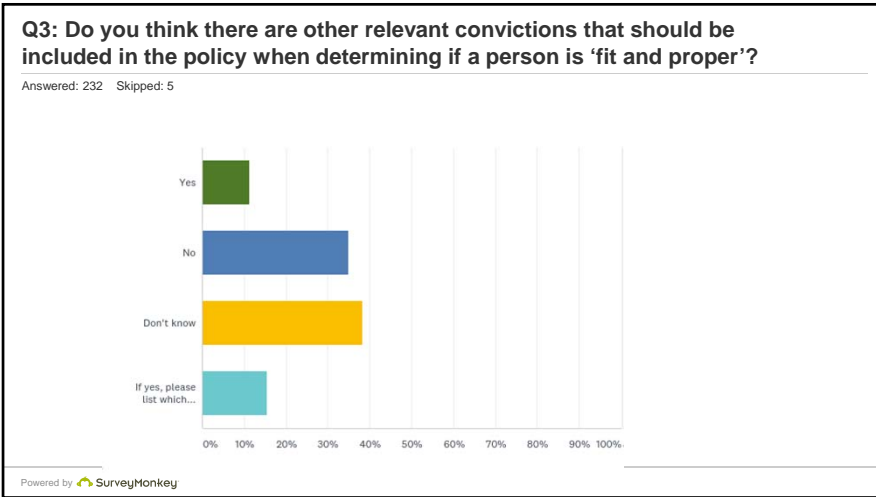
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Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

Answered: 233 Skipped: 4

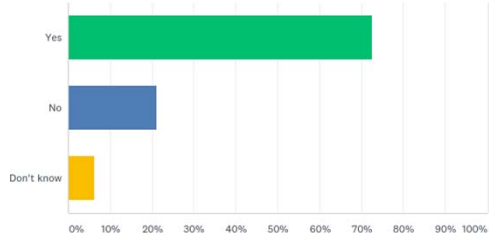
ANSWER CHOICES	RESPONSES
Yes	75.54% 176
No	13.73% 32
Don't know	10.73% 25
TOTAL	233

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Q5: Do you think taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver?

Answered: 237 Skipped: 0



Powered by SurveyMonkey

Q5: Do you think taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver?

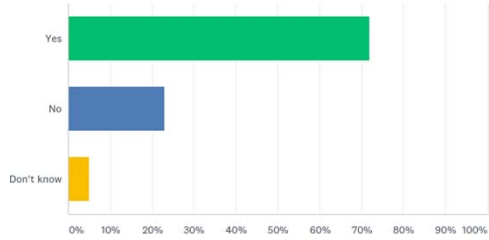
Answered: 237 Skipped: 0

ANSWER CHOICES	RESPONSES
Yes	72.57% 172
No	21.10% 50
Don't know	6.33% 15
TOTAL	237

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Q6: Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

Answered: 235 Skipped: 2



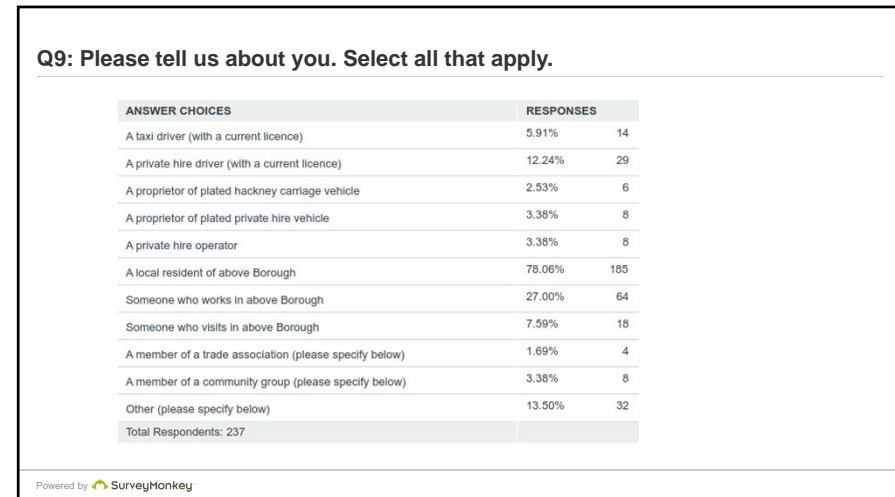
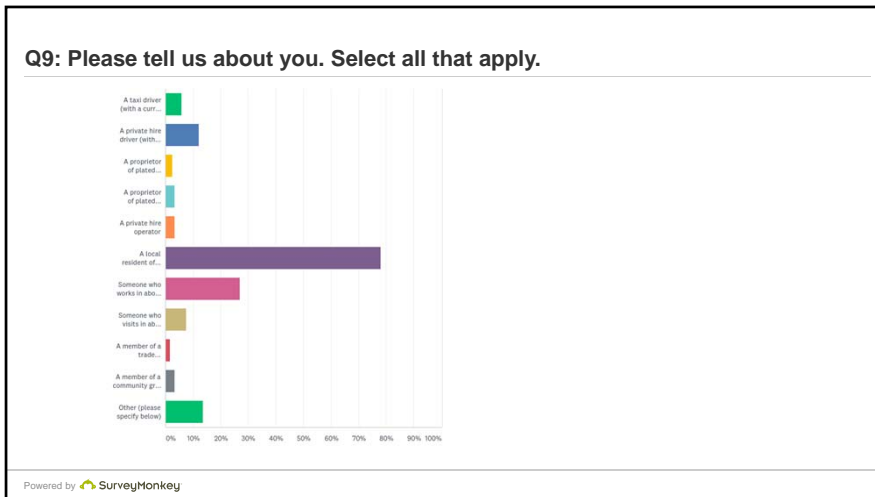
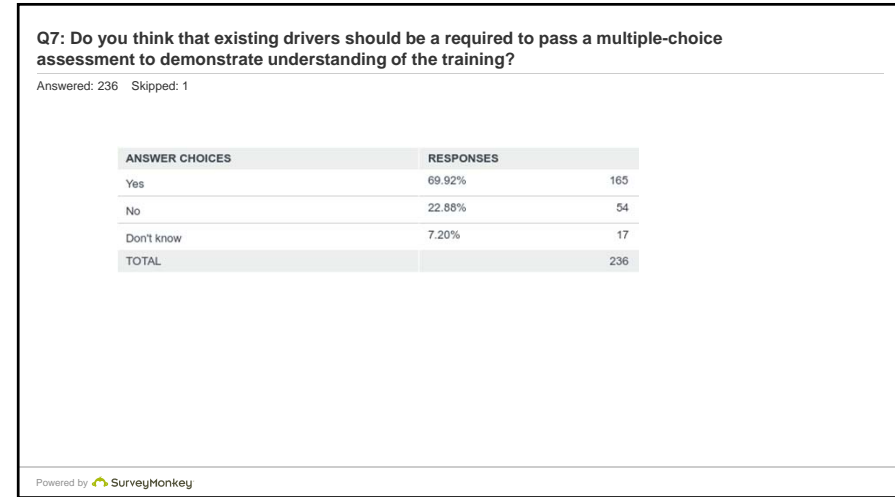
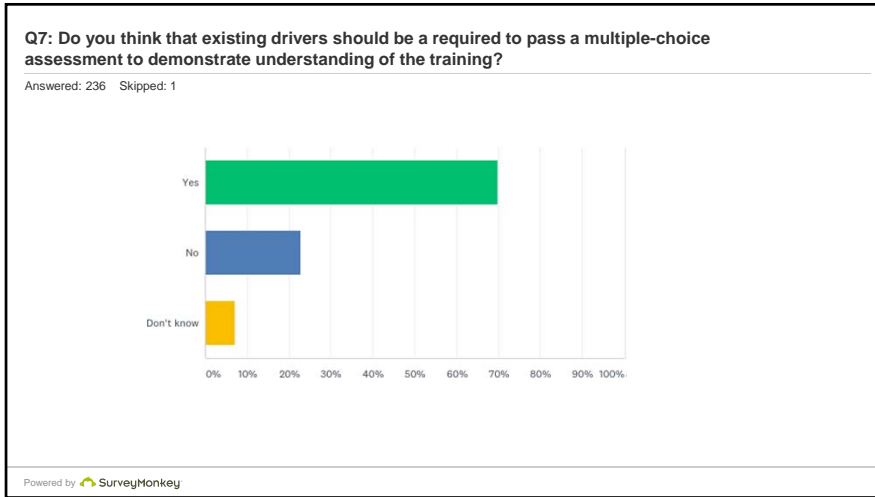
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Q6: Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

Answered: 235 Skipped: 2

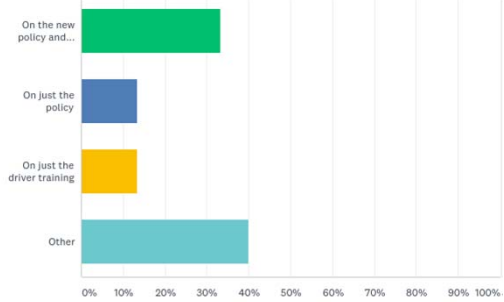
ANSWER CHOICES	RESPONSES
Yes	71.91% 169
No	22.98% 54
Don't know	5.11% 12
TOTAL	235

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Q11: Do you have any further comments

Answered: 45 Skipped: 192



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Q11: Do you have any further comments

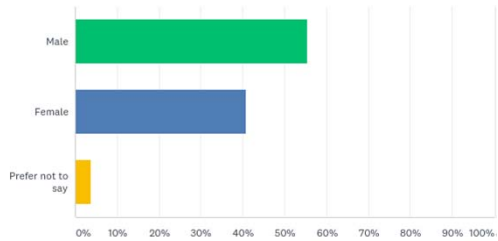
Answered: 45 Skipped: 192

ANSWER CHOICES	RESPONSES
On the new policy and driver training	33.33% 15
On just the policy	13.33% 6
On just the driver training	13.33% 6
Other	40.00% 18
TOTAL	45

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Q15: What gender are you ?

Answered: 218 Skipped: 19



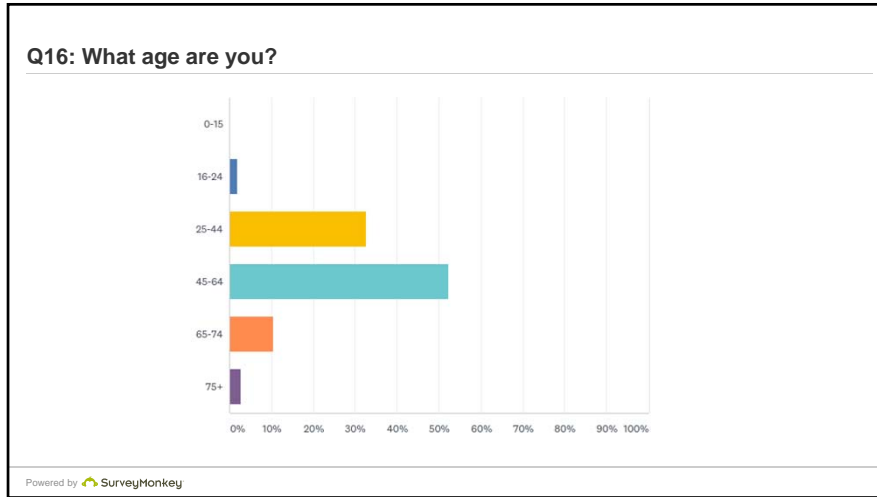
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Q15: What gender are you ?

Answered: 218 Skipped: 19

ANSWER CHOICES	RESPONSES
Male	55.50% 121
Female	40.83% 89
Prefer not to say	3.67% 8
TOTAL	218

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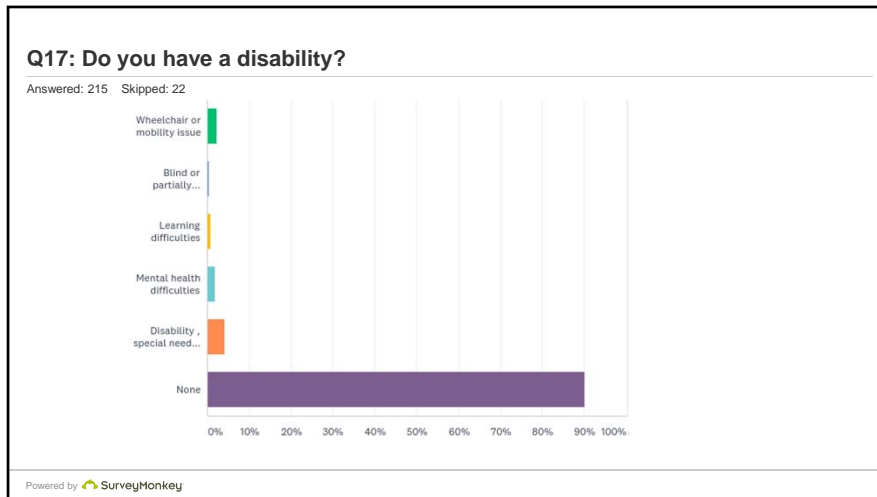


Q16: What age are you?

Answered: 218 Skipped: 19

ANSWER CHOICES	RESPONSES
0-15	0.00% 0
16-24	1.83% 4
25-44	32.57% 71
45-64	52.29% 114
65-74	10.55% 23
75+	2.75% 6
TOTAL	218

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Q17: Do you have a disability?

Answered: 215 Skipped: 22

ANSWER CHOICES	RESPONSES
Wheelchair or mobility issue	2.33% 5
Blind or partially sighted	0.47% 1
Learning difficulties	0.93% 2
Mental health difficulties	1.86% 4
Disability, special need or medical condition not listed	4.19% 9
None	90.23% 194
TOTAL	215

Powered by SurveyMonkey

Trade Surrey wide survey results 2017
Your view on Taxi and Private Hire
Conviction Policy and Safeguarding Training
Wednesday, December 06, 2017

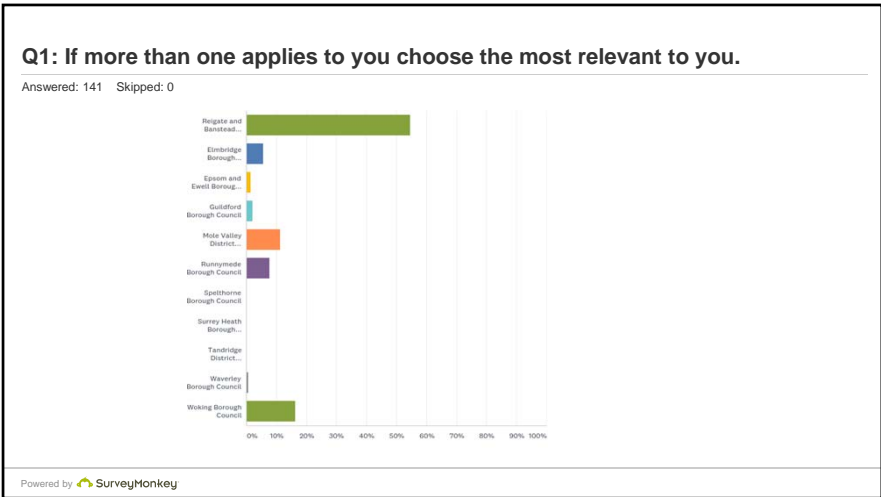
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141
Total Responses

Date Created: Tuesday, June 27, 2017

Complete Responses: 137

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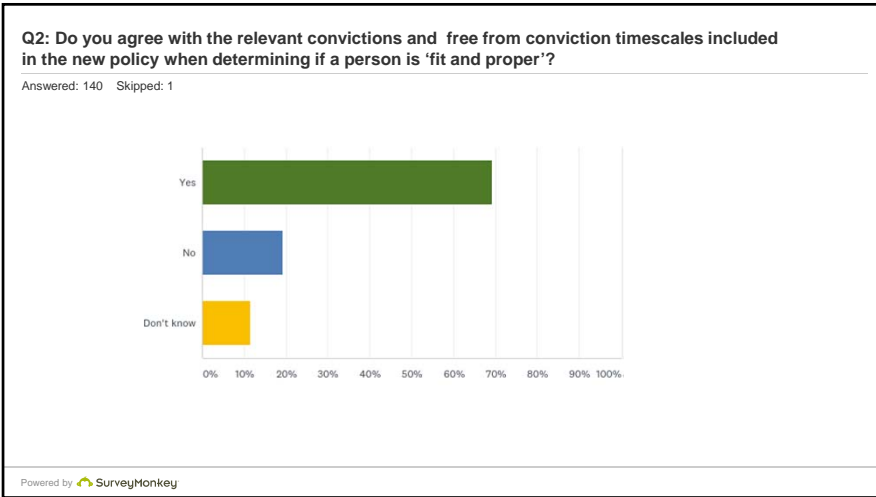


Q1: If more than one applies to you choose the most relevant to you.

Answered: 141 Skipped: 0

ANSWER CHOICES	RESPONSES
Reigate and Banstead Borough Council	54.61% 77
Woking Borough Council	16.31% 23
Mole Valley District Council	11.35% 16
Runnymede Borough Council	7.80% 11
Waverley Borough Council	0.71% 1
Others	0.00% 0

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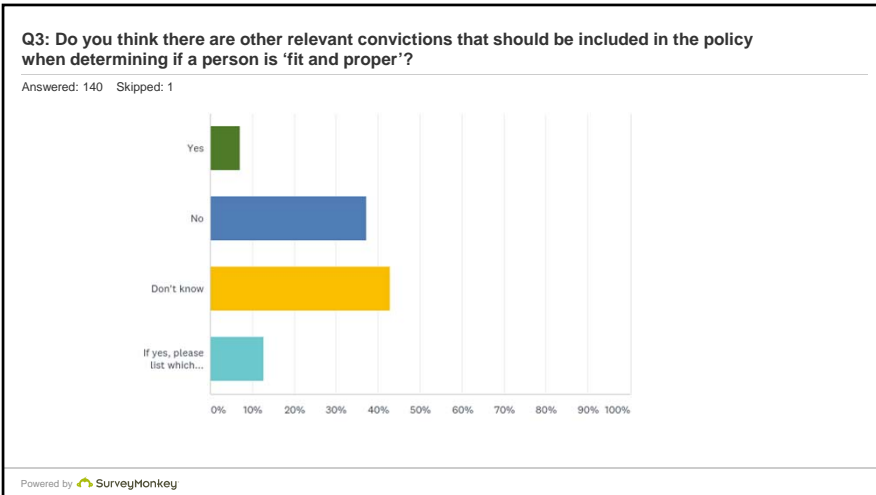


Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

Answered: 140 Skipped: 1

ANSWER CHOICES	RESPONSES
Yes	69.29% 97
No	19.29% 27
Don't know	11.43% 16
TOTAL	140

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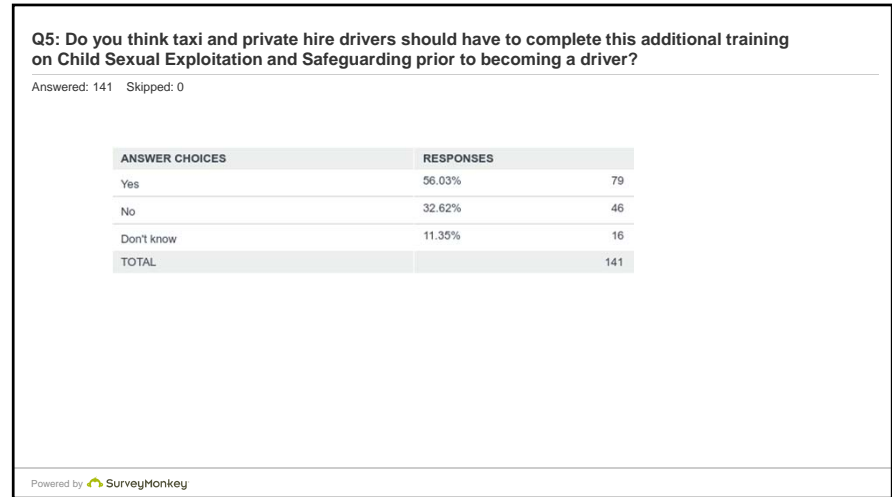
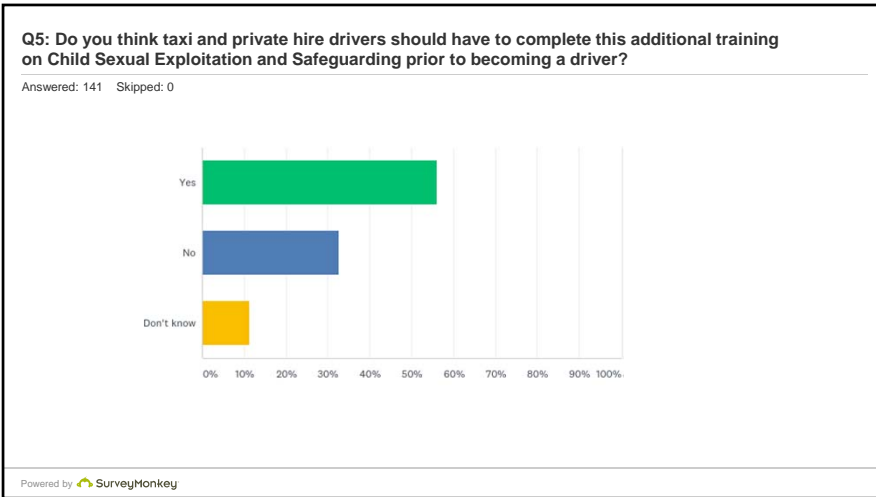
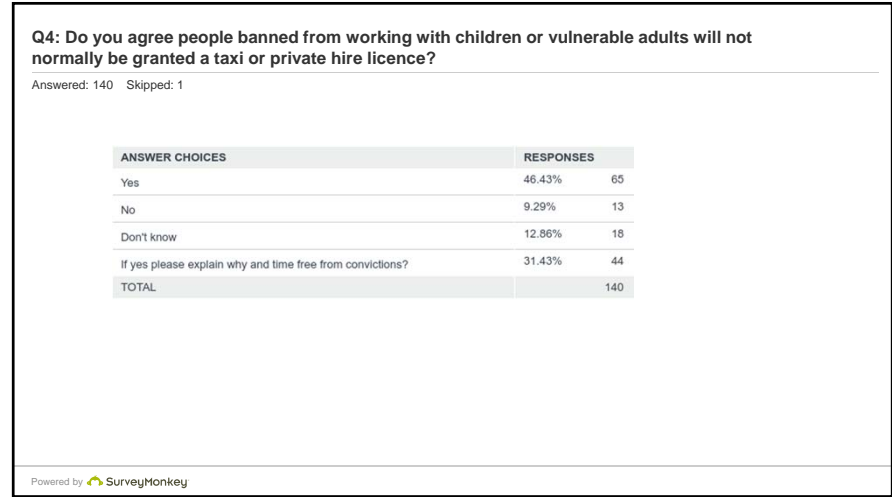
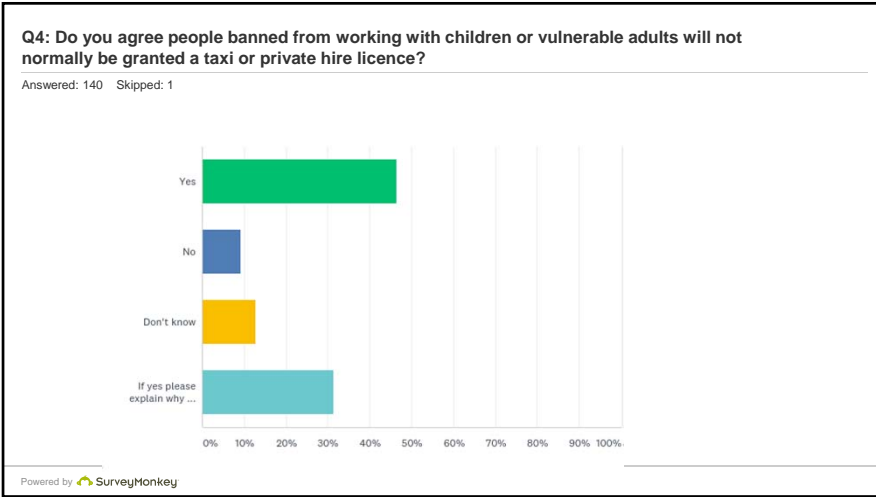


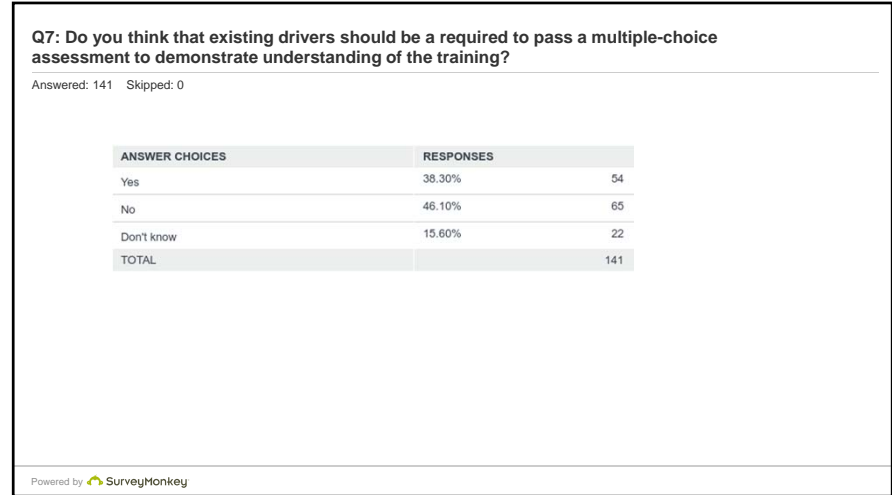
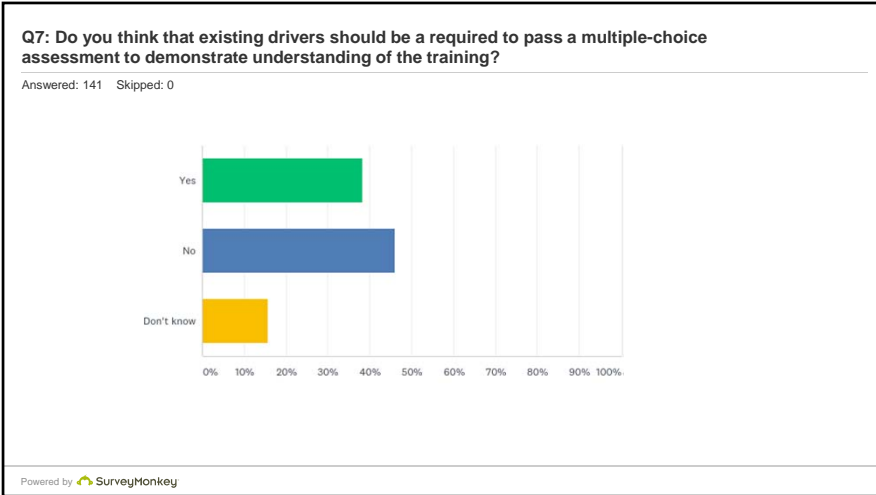
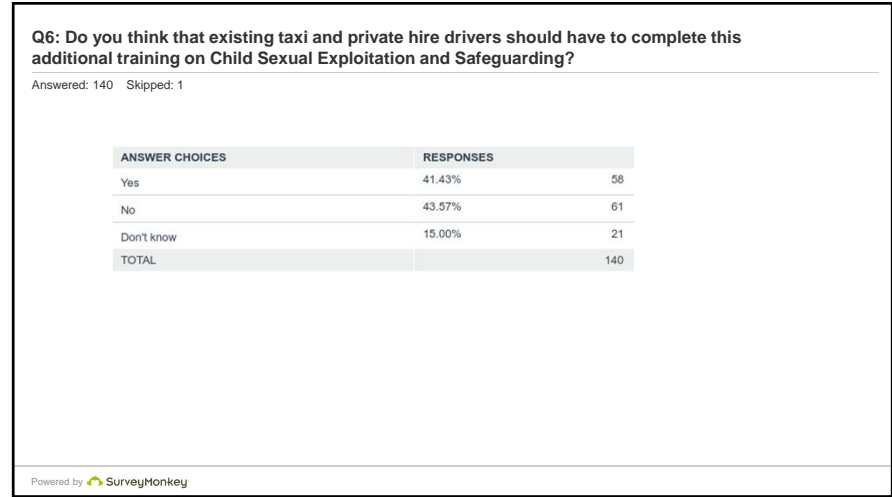
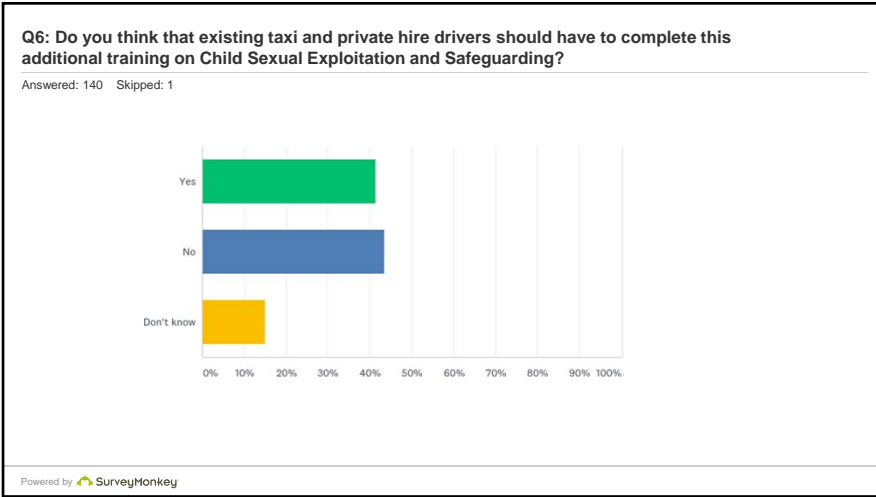
Q3: Do you think there are other relevant convictions that should be included in the policy when determining if a person is 'fit and proper'?

Answered: 140 Skipped: 1

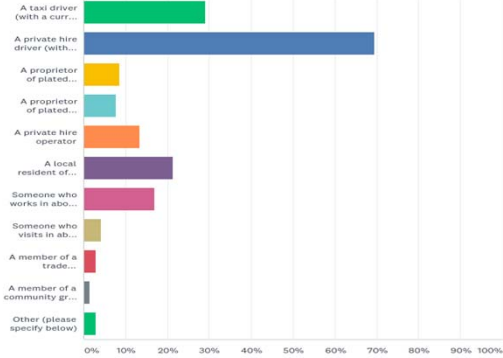
ANSWER CHOICES	RESPONSES
Yes	7.14% 10
No	37.14% 52
Don't know	42.86% 60
If yes, please list which convictions, give reason why and appropriate timescale free from conviction	12.86% 18
TOTAL	140

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Q9: Please tell us about you. Select all that apply.



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Q9: Please tell us about you. Select all that apply.

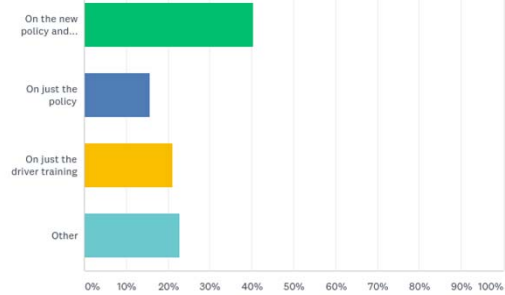
Answered: 141 Skipped: 0

ANSWER CHOICES	RESPONSES
A taxi driver (with a current licence)	29.08% 41
A private hire driver (with a current licence)	69.50% 98
A proprietor of plated hackney carriage vehicle	8.51% 12
A proprietor of plated private hire vehicle	7.80% 11
A private hire operator	13.48% 19
A local resident of above Borough	21.28% 30
Someone who works in above Borough	17.02% 24
Someone who visits in above Borough	4.26% 6
A member of a trade association (please specify below)	2.84% 4
A member of a community group (please specify below)	1.42% 2
Other (please specify below)	2.84% 4
Total Respondents: 141	

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Q11: Do you have any further comments

Answered: 57 Skipped: 84



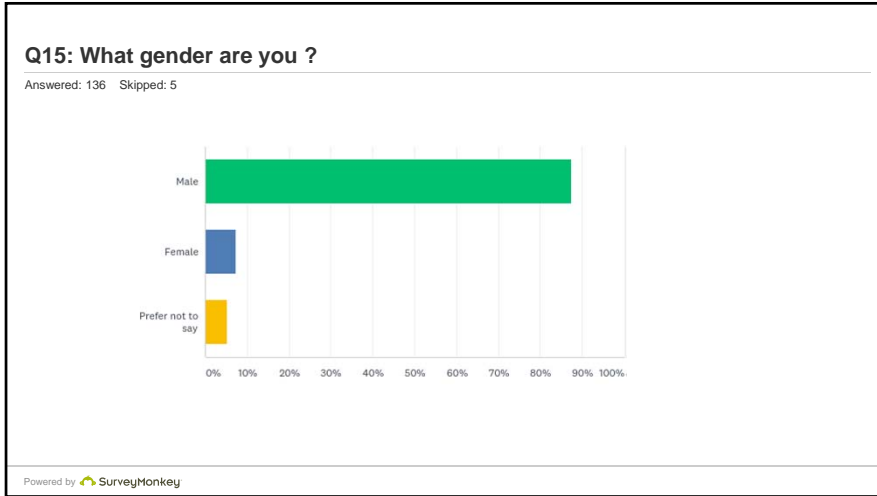
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Q11: Do you have any further comments

Answered: 57 Skipped: 84

ANSWER CHOICES	RESPONSES
On the new policy and driver training	40.35% 23
On just the policy	15.79% 9
On just the driver training	21.05% 12
Other	22.81% 13
TOTAL	57

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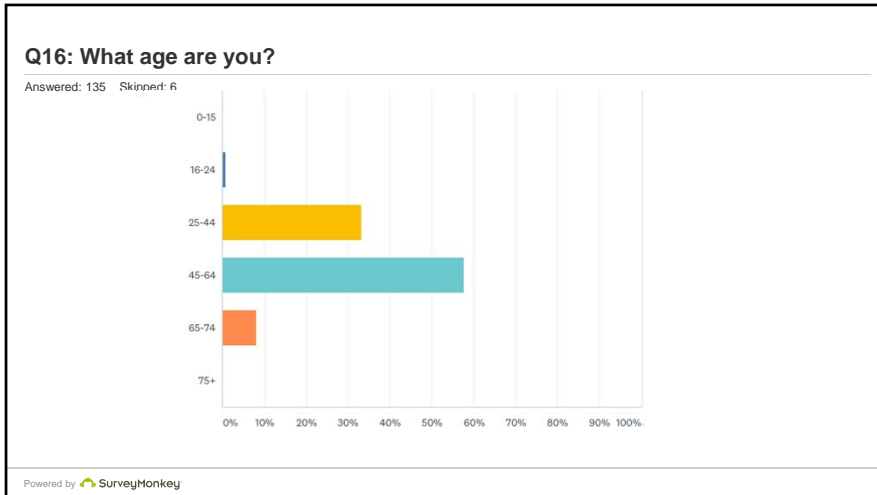


Q15: What gender are you ?

Answered: 136 Skipped: 5

ANSWER CHOICES	RESPONSES
Male	87.50% 119
Female	7.35% 10
Prefer not to say	5.15% 7
TOTAL	136

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Q16: What age are you?

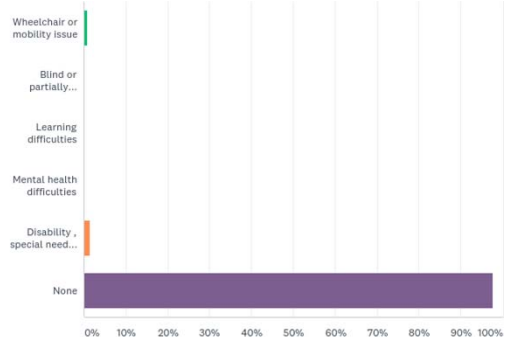
Answered: 135 Skipped: 6

ANSWER CHOICES	RESPONSES
0-15	0.00% 0
16-24	0.74% 1
25-44	33.33% 45
45-64	57.78% 78
65-74	8.15% 11
75+	0.00% 0
TOTAL	135

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Q17: Do you have a disability?

Answered: 134 Skipped: 7



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Q17: Do you have a disability?

Answered: 134 Skipped: 7

ANSWER CHOICES	RESPONSES
Wheelchair or mobility issue	0.75% 1
Blind or partially sighted	0.00% 0
Learning difficulties	0.00% 0
Mental health difficulties	0.00% 0
Disability, special need or medical condition not listed	1.49% 2
None	97.76% 131
TOTAL	134

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Guildford Borough Council survey results 2017

Your view on Taxi and Private Hire Conviction Policy and Safeguarding Training

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23

Total Responses

Date Created: Tuesday, June 27, 2017

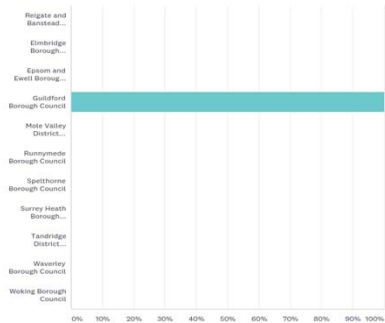
Complete Responses: 20

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Page 45

Q1: If more than one applies to you choose the most relevant to you.

Answered: 23 Skipped: 0



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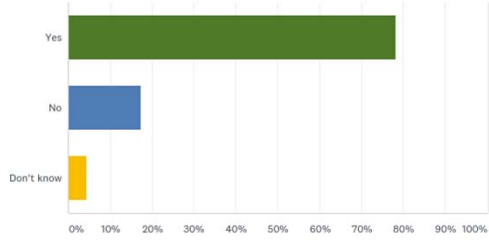
Q1: If more than one applies to you choose the most relevant to you.

ANSWER CHOICES	RESPONSES
Reigate and Banstead Borough Council	0.00% 0
Elmbridge Borough Council .	0.00% 0
Epsom and Ewell Borough Council	0.00% 0
Guildford Borough Council	100.00% 23
Mole Valley District Council	0.00% 0
Runnymede Borough Council	0.00% 0
Spelthorne Borough Council	0.00% 0
Surrey Heath Borough Council.	0.00% 0
Tandridge District Council	0.00% 0
Waverley Borough Council	0.00% 0
Woking Borough Council	0.00% 0
TOTAL	23

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Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

Answered: 23 Skipped: 0



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Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

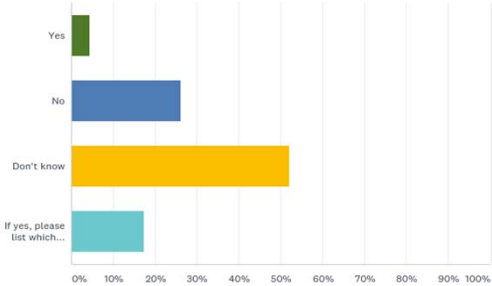
Answered: 23 Skipped: 0

ANSWER CHOICES	RESPONSES
Yes	78.26% 18
No	17.39% 4
Don't know	4.35% 1
TOTAL	23

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Q3: Do you think there are other relevant convictions that should be included in the policy when determining if a person is 'fit and proper'?

Answered: 23 Skipped: 0



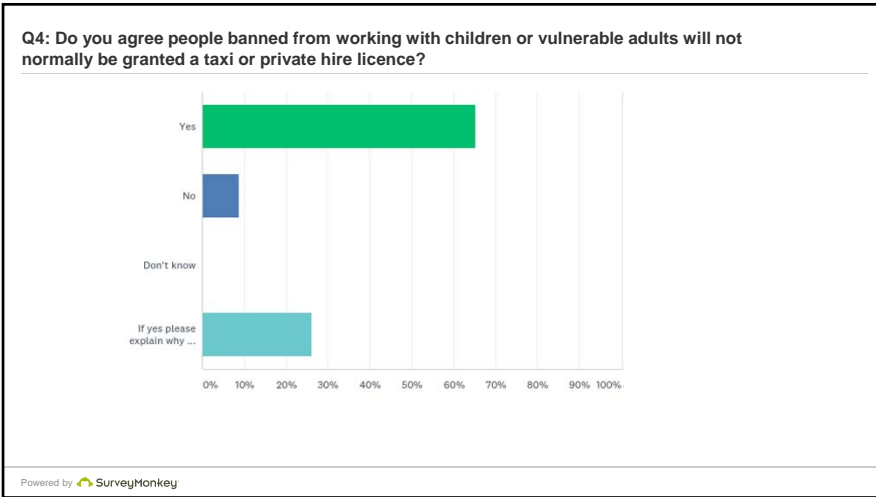
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Q3: Do you think there are other relevant convictions that should be included in the policy when determining if a person is 'fit and proper'?

Answered: 23 Skipped: 0

ANSWER CHOICES	RESPONSES
Yes	4.35% 1
No	26.09% 6
Don't know	52.17% 12
If yes, please list which convictions, give reason why and appropriate timescale free from conviction	17.39% 4
TOTAL	23

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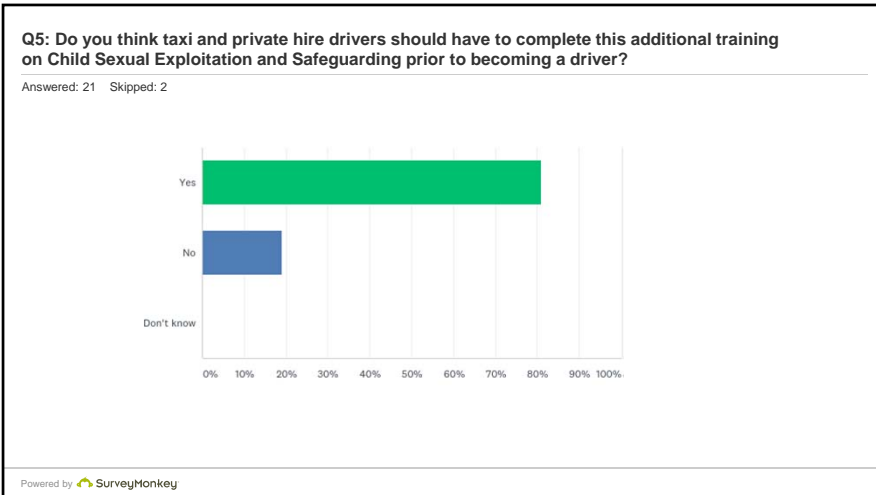


Q4: Do you agree people banned from working with children or vulnerable adults will not normally be granted a taxi or private hire licence?

Answered: 23 Skipped: 0

ANSWER CHOICES	RESPONSES
Yes	65.22% 15
No	8.70% 2
Don't know	0.00% 0
If yes please explain why and time free from convictions?	26.09% 6
TOTAL	23

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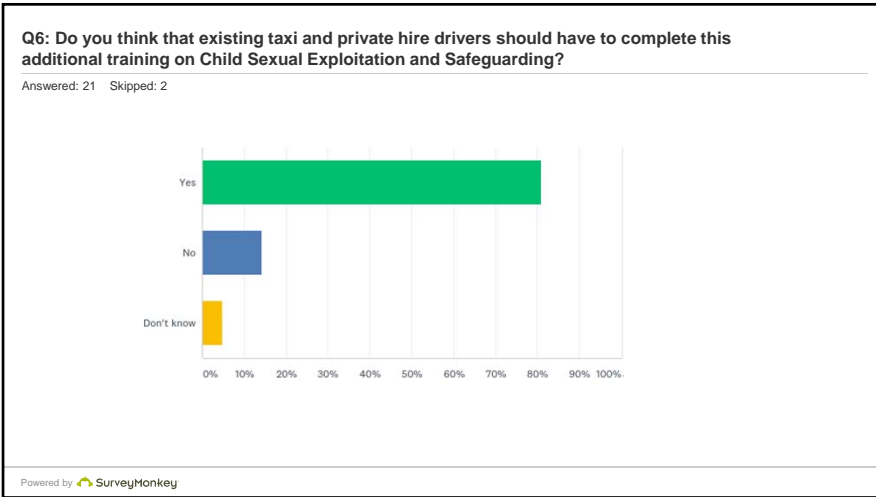


Q5: Do you think taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver?

Answered: 21 Skipped: 2

ANSWER CHOICES	RESPONSES
Yes	80.95% 17
No	19.05% 4
Don't know	0.00% 0
TOTAL	21

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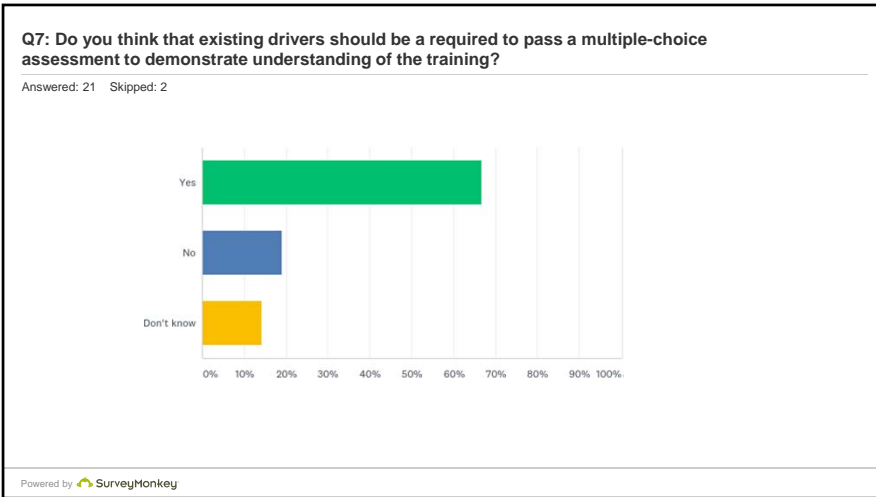


Q6: Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

Answered: 21 Skipped: 2

ANSWER CHOICES	RESPONSES
Yes	80.95% 17
No	14.29% 3
Don't know	4.76% 1
TOTAL	21

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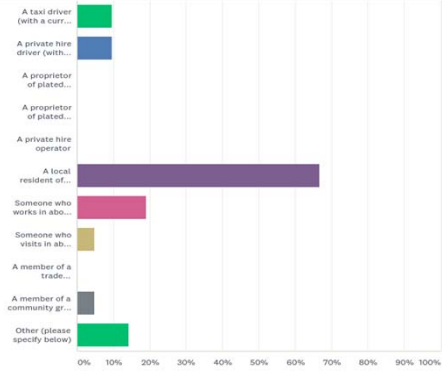
Q7: Do you think that existing drivers should be a required to pass a multiple-choice assessment to demonstrate understanding of the training?

Answered: 21 Skipped: 2

ANSWER CHOICES	RESPONSES
Yes	66.67% 14
No	19.05% 4
Don't know	14.29% 3
TOTAL	21

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Q9: Please tell us about you. Select all that apply.



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Q9: Please tell us about you. Select all that apply.

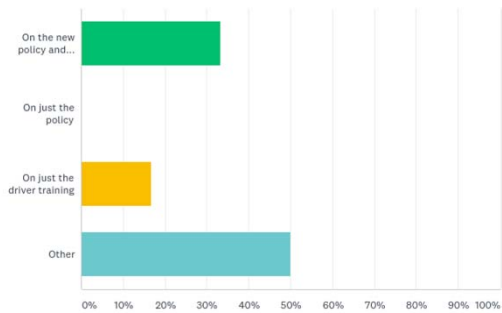
Answered: 21 Skipped: 2

ANSWER CHOICES	PERCENTAGE	RESPONSES
A taxi driver (with a current licence)	9.52%	2
A private hire driver (with a current licence)	9.52%	2
A proprietor of plated hackney carriage vehicle	0.00%	0
A proprietor of plated private hire vehicle	0.00%	0
A private hire operator	0.00%	0
A local resident of above Borough	66.67%	14
Someone who works in above Borough	19.05%	4
Someone who visits in above Borough	4.76%	1
A member of a trade association (please specify below)	0.00%	0
A member of a community group (please specify below)	4.76%	1
Other (please specify below)	14.29%	3
Total Respondents: 21		

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Q11: Do you have any further comments

Answered: 6 Skipped: 17



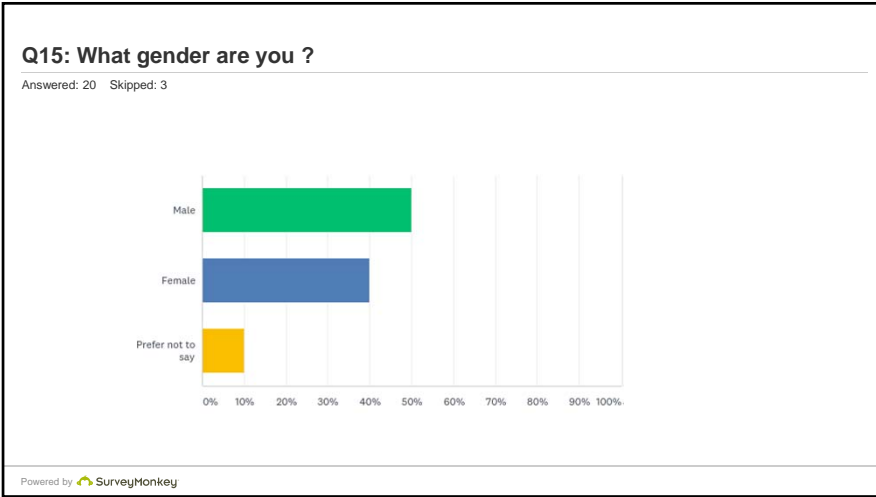
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Q11: Do you have any further comments

Answered: 6 Skipped: 17

ANSWER CHOICES	PERCENTAGE	RESPONSES
On the new policy and driver training	33.33%	2
On just the policy	0.00%	0
On just the driver training	16.67%	1
Other	50.00%	3
TOTAL		6

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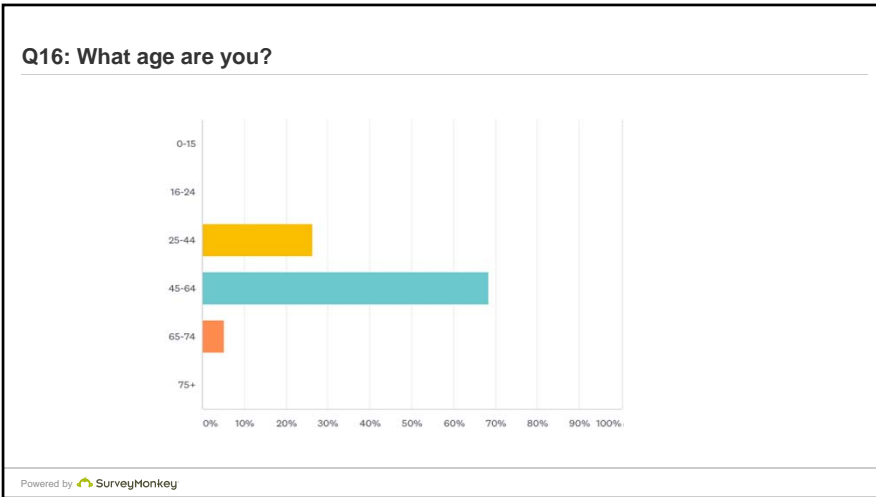


Q15: What gender are you ?

Answered: 20 Skipped: 3

ANSWER CHOICES	RESPONSES
Male	50.00% 10
Female	40.00% 8
Prefer not to say	10.00% 2
TOTAL	20

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Q16: What age are you?

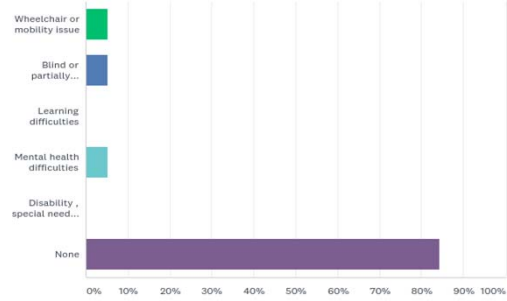
Answered: 19 Skipped: 4

ANSWER CHOICES	RESPONSES
0-15	0.00% 0
16-24	0.00% 0
25-44	26.32% 5
45-64	68.42% 13
65-74	5.26% 1
75+	0.00% 0
TOTAL	19

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Q17: Do you have a disability?

Answered: 19 Skipped: 4



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Q17: Do you have a disability?

Answered: 19 Skipped: 4

ANSWER CHOICES	RESPONSES
Wheelchair or mobility issue	5.26% 1
Blind or partially sighted	5.26% 1
Learning difficulties	0.00% 0
Mental health difficulties	5.26% 1
Disability, special need or medical condition not listed	0.00% 0
None	84.21% 16
TOTAL	19

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TW18 1XB

Tel: 01784 444202

email: licensing@spelthorne.gov.uk

**HACKNEY CARRIAGE
AND
PRIVATE HIRE
LICENSING POLICY
2017**

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1 Introduction

Spelthorne Borough Council ('the Council') is the Local Licensing Authority for Hackney Carriage (HC) drivers and vehicles (taxis), in accordance with the Town and Police Clauses Act 1847 and for Private Hire (PH) drivers, operators and vehicles (minicabs), in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

This policy was adopted on 23 May 2017 and came into force on 14 July 2017.

This policy aims to protect the safety of the public, whether they are fare paying passengers or other road users, by ensuring that only fit and proper persons hold licences to work as HC drivers and/ or PH drivers, or PH operators and that HC and PH vehicles are safe, roadworthy and fit for purpose, thereby upholding the high standards expected of the trade.

This policy will be reviewed at regular intervals to ensure that it remains current. However, when and where necessary, minor amendments may be made by agreement, by the Deputy Chief Executive and the Chairman of the Licensing Committee, in accordance with the Council's Constitution.

<https://spelthorne.gov.uk/CHttpHandler.ashx?id=10765&p=0>

1.1 Shared Information

The Council reserves the right to consider information from internal and external sources as part of its licensing activities and to share information supplied by applicants with other enforcement bodies, e.g. the Audit Commission, the Police etc, in accordance with the Data Protection Act 1998 and any statutory code or guidance made under that Act.

1.2 Decision making

Day to day decisions on the grant or renewal of licences are delegated to the Deputy Chief Executive. In cases of doubt, such as where an individual's criminal or medical history casts doubt on their suitability to be licensed, a report will be presented to a licensing sub-committee who will take the decision as to whether a person is "fit and proper" to be licensed.

2 Applying for a New HC Driver Licence or a PH Driver Licence

All applicants must submit the following documents when applying for a new licence:

2.1 Application form

Failure to complete the appropriate form could result in an application being delayed or declined.

Knowingly or recklessly making a false declaration or omitting any material information required when applying for a licence is an offence. Where an applicant

has knowingly made a false statement or declaration the application will normally be rejected or refused.

2.2 Fee

Failure to pay the full fee could result in an application being delayed or declined.

A list of current fees and charges is published on the Council's website www.spelthorne.gov.uk or can be requested from the Licensing department.

2.3 Disclosure and Barring Service (DBS) Disclosure (Formerly Criminal Records Bureau (CRB) Disclosure)

Applicants must submit an enhanced DBS disclosure, obtained within the last six months. The disclosure must show that applicants have been checked against both adult and child workforce lists.

2.4 Overseas Criminal History (OCH) Checks (where applicable)

Applicants who have continuously lived outside the UK for at least one year as an adult (aged 18 or over), must produce a "Certificate of Good Conduct" by a competent judicial or administrative authority, for every country of prior domicile. The Certificate must comprise an extract from the judicial record (or equivalent) and either record all the applicant's prior convictions, or confirm their "good conduct".

Applicants for a Driver Licence must also submit the following:

2.5 Driving Licence

Applicants must produce a current, valid UK driving licence or equivalent issued by a member state of the European Union, European Economic Area, or Switzerland, that they have held for at least three years prior to the date of application (excluding any periods of suspension/ revocation) and showing the applicant's current address.

In order to allow the Council to monitor what endorsements have been made on a licence, applicants must provide a licence "check code" obtained via the DVLA's Shared Driving Licence Service (c/o gov.uk) - which will allow the Licensing Officer to obtain a printout of their DVLA record.

2.6 Enhanced Driving Tests for Taxi and Private Hire Drivers

Applicants must produce a certificate confirming that they have passed a Blue Lamp Trust Enhanced Driving Test for Taxi and Private Hire Drivers, or equivalent. At the discretion of the Licensing Manager, where an applicant is to be employed by a company exclusively using specially-adapted minibus vehicles for the sole purpose of Blue Badge school runs, a certificate for an alternative, equivalent test for competence to drive minibuses may be supplied.

2.7 Spelthorne Borough Council Knowledge Tests

All applicants must pass the Council's: -

- English Speaking & Numeracy test
- Licence Conditions test

- Geographical test

There are two versions of both the Licence Conditions and Geographical tests. The HC Driver tests require more detailed topographical knowledge, as applicants are required to describe specific routes between specified places.

Applicants who fail a test must wait for a minimum of a two week period before re-sitting the test and may only sit the test three times in any 12 month period. There is a charge for re-sitting tests which is reviewed annually.

2.8 Medical Assessment Form

Applicants must submit a “Group 2” Medical Examiner Report, **completed by their GP (or a Doctor working at their registered GP’s practice)** who has access to their full medical records. Reports completed by other Doctors will not be accepted.

Applicants must satisfy the Council that they are medically fit to drive and will be expected to meet DVLA Group 2 standards.

Medical reports which may indicate that an applicant may not meet the Group 2 Standard will be referred to the Council’s independent medical advisor.

Where a Licensing Officer or the Council’s independent medical advisor has reason to believe that an applicant’s ability to drive may be impaired by a specific medical condition, the applicant or their GP, or in the case of eyesight requirements, an optician, may be asked to provide further information at any time following the submission of the medical assessment form.

The Council may require a new medical assessment, at the licensee’s expense, if a licensing officer has reason to believe that a licensee’s medical status may have changed.

Licensees must resubmit medical assessment forms every five years until they are aged **65**. When a licensee reaches the age of **65**, annual medical assessment forms must be submitted. More frequent medicals may also be required if recommended by the Council’s independent medical advisor.

2.9 HC applications from existing PH licence holders

Existing PH drivers who wish to hold a HC Driver licence can apply to do so at any time. Applicants must pay the relevant fee and pass both the licence conditions and topographical tests.

Points imposed under the Council’s Penalty Points Policy will transfer to the new licence.

2.10 Applications for PH Operator Licences

To be eligible for a PH Operator licence, applicants must operate from premises located within the Borough.

Applicants will need to submit a standard DBS disclosure or a Police National Computer (PNC) check obtained within the last month. This will need to be done every five years.

If an applicant for a PH Operator licence holds a current HC Driver licence, a PH Driver licence, or has submitted a DBS enhanced disclosure, obtained through the Council, within the last six months, they need not submit a further DBS check.

Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Normally the guidance in this policy will take precedence over the decision of another authority and each case will be decided on its own merits.

2.11 Immigration checks

Checks will be undertaken in accordance with guidance issued by the Home Office in December 2016 (**please see attached as Appendix 1**), to ensure that an applicant for a driver or operator licence has the right to live and work in the UK before the issue of the licence. Where an applicant has time-limited permission to work in the UK, the duration of the licence will not exceed the length of time the applicant has permission to work in the UK.

The Council will not license an individual on a Tier 4 (Student) visa unless they are directly employed by the Operator. Proof of employment and compliance with restrictions must be provided before a licence is issued. This is because students on a Tier 4 visa cannot be self-employed.

The Immigration Act 2016 has introduced immigration requirements into licensing regimes, including taxi and private hire licensing. For all applications after the commencement date, the Council must be satisfied that an applicant is not disqualified by their immigration status from holding a licence before being issued a licence. A licence will lapse if the holder's lawful leave or permission to work ends. Immigration offences will be added to the list of grounds on which licences can be suspended or revoked. It will also be an offence not to return a licence where revoked on immigration grounds.

2.12 Child Sexual Exploitation (CSE) Training

All hackney carriage and private hire drivers will be required to undertake Child Sexual Exploitation (CSE) awareness training, provided by Barnados.

Existing drivers will be required to complete the training and submit evidence to the Council's Licensing department that they have done so, by 1 May 2019.

New drivers will be required to complete the training and submit evidence that they have done so before a licence is issued.

3 Renewing your HC Driver Licence, PH Driver Licence or PH Operator Licence

Whilst the Council will endeavour to send reminder letters, licensees remain solely responsible for the renewal of their licence(s).

Applications to renew licences should be lodged at least ten working days before expiry but will not normally be accepted more than six weeks before expiry.

The Council would normally require a new application where a licence has expired.

All applicants must submit the following documents when applying to renew their licence: -

- Application form
- Fee
- Driving licence (see above)
- Passport confirming British citizenship, or documentation to prove they have the right to remain (and work)
- DBS enhanced disclosure (required every three years) for drivers; or a standard DBS disclosure / Police National Computer (PNC) check (required every five years) for operators
- Medical assessment (required every five years up to the age of **65**, and annually thereafter)
- Data protection mandate, permitting the Council to check the DVLA's records (if none current – required every three years)

4 Problems with your application?

4.1 Previous Convictions

When assessing the suitability of an applicant to hold a licence the Council will consider any previous conviction, caution, court order or similar, from any reliable source, regardless of whether this is 'spent' under the Rehabilitation of Offenders Act 1974. Prior convictions / cautions do not necessarily permanently disbar an applicant. Each application is considered on its individual merits according to:

- the relevance of the offence(s)
- the seriousness of the offence(s)
- how long ago the offence(s) were committed
- the date of conviction
- the circumstances
- the sentence imposed by the court
- the applicant's age at the time of conviction
- whether they show a pattern of offending
- character checks (e.g. personal references)
- any other factors that might be relevant

Spelthorne Borough Council has adopted Surrey-wide guidance in relation to the consideration of previous convictions. This is attached at Appendix 2.

A criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. In most cases, an applicant would be expected to remain free from conviction the time specified in Appendix 2 before an application can be considered.

However, there may be occasions when an application can be allowed before the minimum period free from conviction have elapsed.

The overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

4.2 Appeals

Any person aggrieved by the refusal of the Council to grant (or renew) any licence under this policy may appeal to a magistrates' court.

5 Responsibilities of Combined HC & PH Drivers, PH Drivers and PH Operators

5.1 Equality Act 2010

The Equality Act 2010 (**attached as Appendix 3**) places certain duties on HC and PH Drivers with regards to the transport of wheelchair users and guide dogs. The Act creates offences for failure to comply unless licensees have obtained an Exemption Certificate and yellow Exemption Notice to display on their vehicle from the Council.

5.2 Combined HC and PH Drivers

HC Driver licences issued by the Council automatically carry a dual entitlement, allowing licensees to work as HC and PH drivers.

Holders of HC and PH Driver licences must comply with:

- The Council's Hackney Carriage Byelaws (**see Appendix 4**) and
- The PH Driver Licensing Conditions (see section 5.3).

5.3 PH Driver – Standard Licensing Conditions

PH drivers must not:

1. Display signs, solicit fares, stand with a vehicle at a HC rank or do anything that is likely to give the impression that a vehicle is available for hire as if it were a HC vehicle.
2. Carry more passengers than the number specified on the vehicle licence.
3. Carry any other person during a hiring, without the express permission of the hirer.
4. Carry a child (below the age of ten years) in the front passenger seat of the vehicle.
5. Demand from the hirer a fare in excess of the fare agreed prior to the commencement of the journey (or as shown on the taximeter where fitted).

6. Smoke in their vehicle or permit passengers to smoke, at all, at any time. This also applies to vaping.
7. Eat or drink in the vehicle whilst undertaking a hiring.
8. Play any radio or other sound without the express permission of the hirer.
9. Refuse to carry an assistance dog, unless exempted under Section 37 of the Disability Discrimination Act 1995 and the vehicle is clearly displaying the statutory exemption certificate and yellow Exemption Notice from the Council.

PH drivers must:

1. Notify the Council in writing as soon as possible and in any event within 14 days, of any of the following:
 - a) change of name and/ or address;
 - b) any illness or injury affecting fitness to drive;
2. Notify the Council in writing as soon as possible and in any event within five working days of a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not).
3. Conduct themselves in a civil and orderly manner and comply with the reasonable requests of the passengers.
4. Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
5. Dress respectably and neatly.
6. Convey a reasonable quantity of luggage if so required by the person hiring the vehicle.
7. Give reasonable assistance in loading and unloading the luggage, unless a medical condition precludes them from being able to do so, and they are able to produce a medical certificate or letter from their GP confirming this to be the case
8. Give reasonable assistance in removing luggage to or from the entrance of any place at which he/ she may take up or set down a passenger, unless a medical condition precludes them from being able to do so, and they are able to produce a medical certificate or letter from their GP confirming this to be the case
9. Attend with the vehicle at the time and place agreed with the hirer when the booking was made, unless delayed by some sufficient cause.
10. Provide to a customer on request a written receipt of the cost of the journey undertaken.

Commented [TR1]: This was previously set at 14 days but has been amended to sit in line with the Surrey-wide convictions policy. Additional wording has been included to fully encompass the full range of items the Council should be notified for, including arrest (which was never specified at all before).

11. On termination of a hiring, or as soon as is practicable thereafter, search the vehicle for any lost property left therein and hand anything found to the Operator.
12. Allow disabled passengers to be accompanied by their registered assistance dogs **at no extra charge**, in accordance with the Disability Discrimination Act 1995.

Assistance dogs are trained to sit in the front of a vehicle with their owner. Any other animal can be conveyed at the discretion of the driver, but must be carried in the rear of the vehicle.

13. Comply with the requirements of the Council's licensing policy at all times.
 - . If requested to do so for any reason, return their driver badge issued by the Council forthwith.

The holder of a Spelthorne PH driver licence can only work in a PH vehicle licensed by Spelthorne Borough Council, for a person or company holding a Spelthorne PH operator's licence.

5.4 PH Operator – Standard Licensing Conditions

PH Operators must not:

1. Use the words 'Taxi' or 'Cab', whether in the singular or plural and whether they form part of another word or not, in connection with their PH business.

PH Operators must:

Keep (in permanent and easily legible form) a record of the following:

1. Particulars of every booking taken, regardless of whether it was made with the hirer or undertaken at the request of another operator, including:
 - a) date and time of the booking;
 - b) date and time of commencement of the journey;
 - c) name of the hirer;
 - d) place(s) at which the passenger(s) was/ were collected;
 - e) place(s) at which the passenger(s) was/ were set down;
 - f) PH vehicle licence number;
 - g) full name and licence number of the PH driver;
 - h) fare charged and whether or not calculated by a meter.
2. Particulars of any vehicle operated by the licensee:

- a) make and model;
- b) registration mark;
- c) PH vehicle licence number;
- d) PH vehicle licence expiry date;
- e) proprietor of the vehicle;
- f) date and brief description of all works of modification and major works of maintenance or repair carried out to the vehicle.

3. Miscellaneous:

- a) lost property;
- b) date and time found;
- c) vehicle in which it was found;
- d) name of hirer.

Records may be kept as part of a computerised record keeping system and shall be retained and kept available for inspection by an authorised officer for a minimum period of 12 months.

PH Operators must also:

- 4. Notify the Council in writing as soon as possible and in any event within 14 days, of any material change in their operational circumstances, including:
 - a) change of name and/ or address;
 - b) change of the nature of the business carried on by him/ her;
 - c) change of the composition of the firm, if a partnership;
 - d) the address of any secondary office(s) opened by the PH Operator;
 - e) details of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal relate to his/her unsatisfactory conduct;
 - f) any other change in the information given by the Operator to the Council at the time of granting the current licence.
- 5. Notify the Council in writing as soon as possible and in any event within five working days of any convictions recorded against the PH Operator or their business partner.
- 6. Take all reasonable steps to fulfil each and every booking accepted, punctually at the agreed time.
- 7. Ensure that any part of the premises provided for the use of the public to make bookings is:

Commented [TR2]: This was previously set at 14 days but has been amended to sit in line with the Surrey-wide convictions policy.

- a) kept clean;
 - b) adequately heated and ventilated;
 - c) provided with adequate seating facilities;
 - d) provided with a notice indicating that the service provided is in respect of pre-booked journeys only.
8. Ensure that a copy of their licence is prominently displayed where members of the public can read it.
 9. Ensure that they comply with all requirements set out by the Immigration Act 2016, keeping copies of all documentation checked. This paperwork will be kept securely on site and available for inspection at all times if requested by the authorities.
 10. Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition, and that any defects are repaired promptly.
 11. Notify the Council in writing within seven days of details of any conviction or fixed penalty notice or formal caution imposed on him/ her.
 12. At all times, comply with the requirements of the Council's policy on the licensing of PH Operators.

The holder of a Spelthorne PH operator licence can only supply private hire work to an individual who holds a current Spelthorne PH driver licence and uses a PH vehicle licensed by Spelthorne Borough Council, except as allowed by sub-contract rules introduced by the Deregulation Act 2015*.

* In section 55A, subsection (1) allows an operator who accepts a booking for a private hire vehicle to sub-contract it to four types of operator - (a) an operator licensed and located in the same district as the initial operator; (b) an operator licensed and located in a different district from the initial operator (a different district but one which is still governed by the same legislation – in practice this means a district in England or Wales but outside London or Plymouth); (c) an operator licensed and located in London; or (d) a person located in Scotland.

5.5 Bespoke Conditions

Notwithstanding the standard conditions above, the Council reserves the right to impose further conditions on any driver or operator licence where it considers this appropriate.

5.6 Appeals

Any person aggrieved by any conditions attached to the grant of a driver or operator licence may appeal to a magistrates' court.

6 Applications for HC Vehicle and PH Vehicle Licences

Applicants must submit the following documents when applying for a new vehicle licence:

1. Application form;
2. Fee;
3. Valid certificate of insurance for the vehicle, insuring it for use as a HC and/ or PH Vehicle on the day of application;
4. Vehicle Registration Document (log book);
5. MOT certificate, where the period since the date of first registration of a vehicle is 1+ year. The certificate must have been issued in the 14 days prior to the date of application;
6. Letter from the registered keeper of the vehicle consenting to the vehicle being licensed (if applicable);
7. The following documents, where vehicles have been altered or converted since original manufacture:
 - Wheelchair Accessible Vehicles – VOSA Certificate M1
 - Stretch Limousines – VOSA SVA Certificate
 - Any other relevant conversion document.

Applications not accompanied by the appropriate documentation will usually be declined.

6.1 General

Vehicles that are the subject of licensing applications must:

1. Not be a London LTI, “Fairway”, “Metrocab” or similar style of vehicle;
2. Not be licensed with Transport For London (TFL), or any other authority;
3. Not be over ten years old. The latest that a licence can be issued will be when it is nine years old.

Vehicles specially adapted to carry passengers who are wheel chair bound may continue to be licensed up to twelve years of age, subject to full compliance with licence conditions.

4. Normally have a minimum of 4 passenger doors, excluding any tailgate;
5. Have a minimum engine capacity of 1300cc;
5. Have a solid roof, which may include a solid sunroof.
6. Not have sideways facing seats and all will comply with the current seatbelt regulations;
7. Have three anchorage points for each seatbelt;
8. Have an interior release handle on all passenger exit doors;

9. Have an external mirror on each side of the vehicle which can be used as a functional driving mirror by the driver;
10. Have a suitable and accessible dry powder fire extinguisher of not less than 1kg in capacity;
11. Carry a first aid kit. The must be kept in such a position as to be readily available to passengers for immediate use in as required;
12. Not display or carry any signs (except optional 'No smoking' sign[s]), notices, advertisements, plates, numbers, letters, figures, symbols or emblems whatsoever, on, in or from the vehicle, except for the name and telephone number of an operator – which may be displayed securely on the side doors or bonnet of the vehicle on a plate or sign written, the characters of which must not be more than 4 inches (10cm) in height and such lettering shall not be illuminated. Any signs must not obscure the driver's vision in any direction.
13. Be right hand drive only, except for stretch limousines;
14. Only be altered or converted by an appropriately qualified installer or vehicle manufacturer (where applicable).

6.2 MOT and Vehicle Inspection Test (VIT)

Vehicles are required to pass a standard MOT test and the Council's VIT.

MOT Testing must be done annually for vehicles over the age of one year and six-monthly for vehicles over the age of five years.

VIT tests will be undertaken annually at the Council Offices.

Applicants must include an MOT certificate with their application form, which is the result of a test carried out in the 14 days prior to the date of application. Checks will be undertaken from time to time and penalty points will be awarded for failure to meet the timescales for MOTs to be conducted.

The Licensing Officer will consider MOT advisories and decide a course of action on a case by case basis. Where the MOT indicates that they may be defective, applicants would normally be required to replace tyres or repair to British Standard BS AU 159 (with evidence of this to be provided).

At the discretion of the Licensing Officer, advisories on MOTs will usually be required to be fixed within one month of the MOT - with evidence to this effect to be provided. Failure to comply with this requirement would usually result in the issue of penalty points to a driver's hackney carriage or private hire driver licence.

6.3 Licence Plates

The Council shall determine the wording, size and manner of display of licence plates in accordance with the requirements of current legislation.

6.4 Seating Capacity of Vehicles

The Council will determine the number of persons a vehicle is licensed to carry in the following way:

- a) Where a vehicle provides separate seats for each person, the vehicle shall be licensed to carry one person for each separate seat provided – subject to them meeting the Council's minimum size requirements: -
 - i) 410 mm wide;
 - ii) The distance between the rear of the forward seat or dashboard and the front face of the passenger seat should measure a minimum of 660 mm per passenger.

Consideration will also be given to the amount of headroom available, ingress and egress from a practical point of view (as well in terms of safety), and also the materials from which the seat is made. Applicants should be mindful that it will not always be possible for the Council to issue a licence permitting use of every seat in a vehicle.

A decision as to whether a seat will be licensed is at the discretion of the Licensing Officer inspecting the vehicle. The primary consideration will be the safety and comfort of the travelling public;

- b) Where the vehicle is fitted with continuous seats, the vehicle shall be licensed to carry one person for each complete length of 410 mm measured in a straight line lengthwise across the front of such a seat, to a maximum not exceeding the number of seatbelts fitted. The distance between the rear of the forward seat or dashboard and the front face of the passenger seat must measure a minimum of 660 mm per passenger;
- c) Where the vehicle is fitted with continuous seats and with arms to separate the seating spaces, the arms shall be ignored in measuring the seat, if the arms can be folded back or otherwise put out of use, to a maximum not exceeding the number of seatbelts fitted.

6.5 Tinted Windows

All vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986 and in particular the requirements relating to tinted windows, which state that as a minimum:

- The light transmitted through the windscreen must be at least 75% and the front side windows must allow at least 70% of light to be transmitted through them.

Newly licensed vehicles will only be considered suitable where all rear side windows allow at least 22% of light to be transmitted through them. There is no minimum transmission requirement for the rear windscreen.

6.6 CCTV (where fitted)

Where CCTV is fitted to a licensed vehicle, and in use, it must:

- a) comply with the Information Commissioner's data protection requirements and Codes of Practice;
- b) be capable of recording date, time and vehicle identification, such features to be activated at all times when in use;
- c) be capable of having recorded material downloaded to another storage device for reviewing;
- d) be kept in good working order at all times;
- e) enable recordings to be made available to Licensing Officers or the Police on request.

6.7 Cycle carriers and roof racks (where fitted)

Any cycle carriers or roof racks must be fitted and used in accordance with the manufacturer's instructions (including maximum load weight).

6.8 Executive PH Vehicles

Applications to register PH vehicles as Executive PH (EPH) vehicles will be considered if:

- A minimum of 90% of work is undertaken for businesses with an account with the operator, demonstrable by reference to a minimum of three month's work records or, in the case of new applicants, a letter from an employer;
- The vehicle befits executive status – typically being larger in size than a large family car, in excellent condition, usually providing luxurious features beyond what might be considered by most as necessity.

An EPH vehicle will be exempt from the tinted window requirements of this policy.

Applications for Executive Status shall be determined at the Council's discretion.

Drivers of EPH vehicles will be issued a plate display exemption certificate, which they will be required to carry with them at all times.

6.9 Stretch Limousines

Vehicles which have been adapted to carry more passengers than originally intended are referred to as stretch limousines. Where there are eight or fewer passenger seats, or their equivalent where bench seats are provided, then the vehicle must be licensed.

6.10 Period of Licences

HC and PH driver licences can be issued for one or three years. The Government anticipates that most will be issued for three years. In some cases it may be necessary to issue a driver's licence for a shorter period, for example to give the driver an opportunity to have a medical examination or provide other outstanding documentation. In such cases the licence will be extended on production of the outstanding documentation to one or three years as appropriate. This would not

normally incur an additional charge but may if the fault lies with the driver and the matter is within the driver's control.

PH operator licences can be issued for one or five years. The Government anticipates that most will be issued for five years.

HC and PH vehicle licences can be issued for a maximum of one year.

7 HC Vehicles and PH Vehicles – Standard Licence Conditions

7.1 The following conditions will normally apply to all licensed vehicles:

1. The vehicle shall at all times be maintained in sound, roadworthy, mechanically sound condition and serviced according to the manufacturer's recommendations.
2. No alteration to the manufacturer's specification for the vehicle shall be carried out except with the written approval of the Council.
3. Interior lighting shall be provided and maintained in working order such that it illuminates the passenger area.
4. The seats are properly cushioned or covered.
5. The floor is provided with proper carpet, mat or other suitable covering.
6. The exterior of the vehicle shall be kept clean at all times. The interior of the vehicle (including luggage spaces) shall be kept clean and free from rubbish at all times.
7. The vehicle must at all times comply with one of the following:
 - a) Carry a spare wheel, capable of immediate use, together with adequate tools to effect changing a wheel; or
 - b) Carry a space saver spare wheel, capable of immediate use, together with adequate tools to effect changing a wheel. When space saver spare wheels are used, a licensee may complete their journey but must not undertake any further hiring until the punctured wheel has been repaired and refitted or else replaced; or
 - c) Carry and maintain in good working order, the manufacturer's standard issue repair and inflation equipment for that vehicle. Where a repair and inflation facility is used, a licensee may complete their journey but must not undertake any further hiring until the punctured wheel has been repaired and refitted or else replaced, and the manufacturer's repair and inflation facility has been replaced; or
 - d) Have runflat tyres fitted. Where a runflat tyre becomes punctured, as soon as this comes to the attention of the licensee, they may complete their journey but must not undertake any further hiring until the punctured wheel has been repaired and refitted or else replaced.

8. Newly licensed vehicles must conform to the requirements of section 6.5 – Tinted Windows. However, vehicles licensed before 14 July 2017 are exempt from this condition for as long as they remain continuously licensed by the Council.
9. All fuel carried by the vehicle shall be contained within permanently secured fuel tanks. Spare fuel containers must not be carried at any time whether or not they are empty.
10. The driver of a licensed vehicle shall notify the Council in writing as soon as possible, and in any event, within 14 days of any change of name or address.
11. Where CCTV is fitted to a licensed vehicle then the requirements set out at section 6.6 shall apply.

7.2 Additional Standard Conditions – Hackney Carriage Vehicles

1. A licensee shall ensure that any other person permitted to drive the licensed vehicle holds a HC Driver licence issued by the Council.
2. The taximeter fitted to the vehicle shall be adjusted to record fares in accordance with the Council's tariff of fares and must be tested at intervals not exceeding 3 years.
3. Meters must comply with Directive 2004/22/EC of the European Parliament on measuring instruments as implemented into UK law by The Measuring Instruments (Taximeters) Regulations 2006, be programmed to calendar control and be sealed by lead or plastic signs to meet the required minimum standard.
4. The vehicle shall have an internally illuminated roof sign bearing the word "TAXI" on the front in letters which are not less than 50 mm height. This sign shall be kept illuminated when the vehicle is plying for hire.
5. The vehicle shall display an internally illuminated sign saying "For Hire" which shall be located at the front of the vehicle where it can be seen from the outside front of the vehicle. This sign shall remain illuminated at all time whilst the vehicle is available for hire.

6. Vehicle Licence Plates

Licence plates are supplied by the Council and must be securely fixed to the vehicle in the following locations:

- 1 large plate – rear exterior;
- 1 plate – internal, facing inwards displayed so that passengers can easily read it.

Licence plates must be kept clean and clearly displayed on the licensed vehicle at all times, whether or not it is being used as such. Once affixed, a licence plate must not obscure the registration plate.

Licence plates remain the property of the Council and must be returned when the vehicle is no longer licensed or when the vehicle licence has been suspended.

7. Licensees are responsible for ensuring that only holders of the appropriate private hire or hackney carriage driver licence issued by the Council are allowed to drive their licensed vehicle(s) and that the person is insured for public or private hire as appropriate.

7.3 Bespoke Conditions

Notwithstanding the standard conditions above, the Council reserves the right to impose further conditions on any vehicle licence where it considers this appropriate.

7.4 Appeals

Any person aggrieved by any conditions attached to the grant of a vehicle licence may appeal to a magistrates' court.

8 Transfer of Entitlement to a Vehicle Licence

A licence issued in respect of a vehicle can be temporarily or permanently transferred to another vehicle in the event of an accident, mechanical failure or theft.

The Council will issue a new vehicle licence to the licensee on the following terms:

1. Payment of the relevant fee;
2. Submission of a fully completed application form;
3. Surrender of the original HC / PH vehicle licence and (where possible) identification plates to the Council;
4. The new vehicle must comply with all relevant requirements of this Policy;
5. The new HC / PH licence will expire on the same date as the cancelled vehicle licence.
6. If the original vehicle is to be used again, following repair, then a further transfer application needs to be made as it will no longer be licensed.

9 Enforcement

Failure to comply with legislative requirements is an offence. In determining what enforcement action to pursue in respect of offences, regard will be had to the individual circumstances, as well as the Council's enforcement policies and other guidance, such as the Crown Prosecutor's Code of Practice. Enforcement may include prosecution of offenders where appropriate and/ or imposition of penalty points under the Council's Penalty Points Scheme. As part of our enforcement of the legislation, the Council will, when appropriate, carry out test purchases of journeys. We will also make use of public CCTV monitoring in order to detect offences under the legislation.

9.1 Inspections

The Council reserves the right to carry out the following inspections with or without warning to ensure compliance with licence conditions and relevant legislation (including Byelaws).

- Private Hire Operators – records/ premises;
- Hackney Carriage Drivers – HC vehicles;
- Private Hire Drivers – PH vehicles.

Routine inspections will be carried out primarily in accordance with a risk-based system and wherever possible, vehicles and documentation will be inspected at the same time.

9.2 DVLA Penalties and driving standards

Licensees who accumulate nine or more points on their driving licence must notify the Council immediately, after which they will be required to pass the Blue Lamp Trust (or equivalent) test within three months of notification and report the result to the Council within one month of the test date. Failure to do so will result in consideration of further sanctions.

A second accumulation of nine points will normally trigger the referral of a report to a licensing sub-committee, in order for them to consider further sanctions - including possible suspension or revocation.

9.3 Suspension/ Revocation of driver licences

9.3.1 Person not being fit and proper to hold a licence (including medical grounds)

Where a Licensing Officer has a reasonable belief that any HC or PH driver or PH operator is not a “fit and proper” person to hold a licence and/or in the interests of public safety, the Council may suspend or revoke that licence.

Before a decision to suspend or revoke a licence is taken, the Council will usually contact the licensee to invite them to attend a hearing with a Licensing Sub-Committee. The Council will provide the licensee with a full agenda and report in advance of the meeting, so that they are able to respond on the day. However, representations concerning the effect of suspension / revocation on a licensee’s personal circumstances e.g. unemployment, loss of income, hardship etc will not be taken into account.

The Council reserves the right to determine cases in the absence of licensees who cannot be contacted or who do not attend their hearing.

When the hearing is complete, the Licensing Sub-Committee will review the evidence and determine the appropriate sanction. The licensee will then be notified in writing and full reasons given. Suspension / revocation can be immediate and a licence must be surrendered on demand.

Suspension will be for a specified fixed period, or where this is done for medical reasons, until the Council is in receipt of appropriate written confirmation as determined by the Council, whichever is the longer.

In certain circumstances (i.e. where there is an imminent danger in allowing a driver to continue to work), a licence may be immediately suspended or revoked. Such decisions will be made by the Senior Environmental Health Manager, in conjunction with the Chairman of the Licensing Committee.

9.3.2 Resulting from an accumulation of penalty points

See the Council's Penalty Points Policy.

9.3.3 Re-applying for a licence after suspension / revocation

Licensees can apply for the return of their licence when the suspension period has elapsed. Expired time during the suspension period will not be re-credited.

This will depend on the reasons for revocation and the period which has elapsed since revocation. Usually the Council will not grant a new licence until at least 12 months has elapsed, or at least five years from the date any subsequent revocation. Where an existing licensee has their DVLA driving licence suspended or revoked, their Hackney Carriage or Private Hire Driver licence shall normally also be revoked with immediate effect. Where a licence is revoked there will be no refund of any fee.

Licensees whose licences are revoked in this manner will not normally be permitted to re-apply until 12 months has elapsed from the date of revocation.

9.4 Suspension or revocation of vehicle licences

The following may result in a licence suspension and/ or revocation:

- where a licensing officer is not satisfied that any HC or PH vehicle is fit for use as such;
- where the licensee or operator has committed an offence under Part II of the Local Government (Miscellaneous Provisions) Act 1976 or has not complied with the Act;
- any other reasonable cause as determined by the Council.

9.5 Appeals

Any licensee aggrieved by the suspension or revocation of their licence may appeal to the Magistrates' Court.

10. Acronyms

PH – Private Hire

HC – Hackney Carriage

DBS – Disclosure and Barring Service

OCH – Overseas Criminal History

DVLA – Driver and Vehicle Licensing Agency

PNC – Police National Computer

VOSA – Vehicle and Operator Services Agency

PNC – Police National Computer

VSA – Vehicle and Operator Services Agency

LTI – London Taxi

TFL – Transport for London

VIT – Vehicle Inspection Test

EPH – Executive Private Hire (exempt from displaying a plate) vehicles

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SPELTHORNE BOROUGH COUNCIL

Penalty Points Scheme (updated May 2017)

Introduction

1. Hackney Carriage (taxi) and Private Hire Operators, drivers and vehicles are principally governed by a “regulatory framework” including:-
 - I. Local Government (Miscellaneous Provisions) Act 1976;
 - II. Town Police Clauses Act 1847;
 - III. Council’s Taxi Byelaws;
 - IV. Rules, Regulations and Conditions for taxi and private hire licences and vehicles as approved by Spelthorne’s Licensing Committee.
2. The primary objective of the penalty points scheme is to improve the levels of compliance with the regulatory framework and to help improve standards, safety and the protection of members of the public affected by the actions of taxi, private hire drivers and operators. The scheme also seeks to improve the level of transparency and consistency in which the licensing system is administered and enforced.
3. Council officers (i.e. Licensing Enforcement Officers or the Licensing Manager) will investigate allegations of offences under the regulatory framework, by licensed operators, drivers or vehicles owners. When considering what action to take the Council officers will take into account all available and appropriate evidence, such as eye witness accounts and their reliability, the views of the licensee who may be affected by the outcome of the investigation, etc.. The outcome of investigations may result in:-
 - I. No further action being taken;
 - II. A “Penalty points Notice” being awarded against a driver, operator or owner of a vehicle (see pages 13 and 14). The officer will apply a fixed number of penalty points for each offence as specified in the table below;
 - III. A formal written warning;
 - IV. Immediate suspension of a licence (if the public safety condition is fulfilled);
 - V. Referral to the Council’s Licensing Sub-Committee;
 - VI. Administer of a formal caution or Prosecution.
4. Once these investigations have been concluded, letters will be sent to all persons/organisations involved in the allegation(s) detailing the findings and decision of the Council officer. A record of the decision will be kept on the relevant licensed driver’s, licensed vehicle owner’s, or operator’s file, including copies of any “Penalty Points Notice(s)” issued, where applicable.
5. The aim of a penalty point scheme is to work in conjunction with other enforcement options and does not preclude or prejudice the Council’s ability to take other actions that it is entitled to take under the regulatory framework. It provides a formal and cumulative enforcement approach.
6. The purpose of the scheme is to record confirmed breaches or offences and to act as an ongoing record of a driver’s, licensed vehicle owner’s or operator’s behaviour and conduct, so as to ascertain whether they are a fit and proper person to hold such a licence.

7. Penalty points will remain on a driver's, licensed vehicle owner's or operator's record for twelve months, from the date the penalty points were issued by the officer. Points issued will be confirmed in writing within 10 working days from the completion of an investigation. Any points that were awarded more than twelve months ago will be excluded from the running total recorded against an individual licence holder or operator.
8. The Council officers specified in paragraph 3 above have been given delegated powers by Spelthorne's Licensing Committee to administer penalty points to licensed taxi or private hire drivers, private hire operators or licensed vehicle owners.
9. If a licensee wishes to appeal against the issue of a "penalty points notice" he/she must do so in writing within 10 working days from the date of issue of such a notice, to the Council's Senior Environmental Health Manager who, in consultation with the Deputy Chief Executive will have the discretion to:-
 - I. uphold the Council officer's decision – retain the number of points on the "penalty points notice"; or
 - II. cancel the issue of the "penalty points notice" to the licensee.

There is no appeal beyond the decision made by the Senior Environmental Health Manager in conjunction with the Deputy Chief Executive. However, should a licensee be subsequently reported to the Licensing Sub-Committee for accumulating 12 or more penalty points, he/she has the opportunity to raise the validity of the points issued.
10. Significant breaches of conduct, which are identified through officer observations or through complaints from the public or the trade, will be subject to investigation by Officers and may be reported to the Licensing Sub-Committee for a decision on whether the driver, operator or a licensed vehicle owner is a fit and proper person, whether or not penalty points have been awarded.
11. The Licensing Sub-Committee, when dealing with matters referred to them following the accumulation of penalty points, will consider the circumstances, the seriousness of the breaches of the regulatory framework, the quality of the evidence before it and the compliance history of the individual driver, licensed vehicle owner or operator. The Licensing Sub-Committee may decide to:-
 - I. Suspend a licence; or
 - II. Revoke a licence; or
 - IV. Take no action.
12. If a driver's, licensed vehicle owner or operator's licence is either suspended or revoked they will have the right to appeal against the Licensing Sub-Committee's decision to the Magistrates' Court.



PENALTY POINTS SCHEME

With reference to relevant legislation stated in the table below, the following abbreviations have been used:

Town Police Clauses Act 1847 – TPCA 1847;
 Local Government (Miscellaneous Provisions) Act 1976 – LG(MP)A 1976; and
 Road Traffic Act 1988 – RTA 1988

The trigger point for a licensed driver, vehicle owner or operator to be referred to the Council’s Licensing Sub-Committee is a total of 12 penalty points accumulated within a 12 month period. The comprehensive lists of offences/breaches which will attract penalty points are listed in the table below:

	Offence/breach of Condition	Fixed Points Applicable	Driver	Vehicle Owner or Operator	Regulatory framework reference
	Administrative offences				
1	Using unlicensed vehicle or vehicle without the relevant motor insurance cover (i.e. insured for use as a private hire or taxi for hire and reward).	12	✓	✓	Unlicensed hackney carriage TCPA 1847 s45 d(i) drive (ii) stand on the highway (iii) ply for hire. Operating an unlicensed private hire vehicle – LG(MP)A 1976 s46 (1)(e)(i). Use of a vehicle (other than a licensed hackney carriage) as a private hire vehicle LG LG(MP)A 1976 s46(1)(a) No insurance (hackney carriage and/or private hire vehicle) RTA 1988 s143. Spelthorne’s Hackney Carriage(HC) Byelaw 9; Spelthorne’s HC vehicle licence – conditions of licence, section 2.0 a); Spelthorne’s HC application form requirement, section 1 p; Spelthorne’s Private hire (PH) licence – conditions of licence, part (B), section 1.0 a); Spelthorne’s PH application form requirement, section 2 p.
2	Driver not holding a current DVLA Licence.	12	✓	✓	RTA 1988 s87;

					Spelthorne's HC Byelaw 9; Spelthorne's HC vehicle licence – conditions of licence, section 2.0 a); Spelthorne's Private hire (PH) licence – conditions of licence, part (B), section 1.0 a);
3	Providing false or misleading information / failing to provide relevant information or the relevant fee (including dishonoured cheques).	6	✓	✓	Providing false or misleading information LG(MP)A 1976 s57; Failing to provide information to an authorised officer LG(MP)A 1976 s73(1)(c); Hackney carriage and private hire driver licence fees LG(MP)A 1976 s53(4) & (5); Declaration section to Spelthorne's HC and PH application form.
4	Failure to submit a licensed vehicle that is 5 years old, or more for a 6 monthly MoT and provide documented proof to the Council that it has passed such a test within 4 weeks of the due date of the MoT test.	4		✓	LG(MP)A 1976 s50 (1); Spelthorne's Hackney Carriage(HC) Byelaw 9; Spelthorne's HC vehicle licence – conditions of licence, section 2.0 a); Spelthorne's HC application form requirement, section 1 p; Spelthorne's Private hire (PH) licence – conditions of licence, part (B), section 1.0 a); Spelthorne's PH application form requirement, section 2 p.
5	Continuing failure, after a further 4 weeks has elapsed, to provide documentary evidence that a licensed vehicle has passed a 6 month MoT.	4		✓	LG(MP)A 1976 s50 (1) Spelthorne's Hackney Carriage(HC) Byelaw 9; Spelthorne's HC vehicle licence – conditions of licence, section 2.0 a); Spelthorne's HC application form requirement, section 1 p; Spelthorne's Private hire (PH) licence – conditions of licence, part (B), section 1.0 a); Spelthorne's PH application form requirement, section 2 p.
6	Failure to provide proof of appropriate motor insurance cover within a specified time when requested by a	4	✓		LG(MP)A 1976 s50 (4); Spelthorne's Hackney Carriage(HC) Byelaw 9; Spelthorne's HC vehicle licence – conditions of licence, section

	Council officer.				2.0 a); Spelthorne's HC application form requirement, section 1 p; Spelthorne's Private hire (PH) licence – conditions of licence, part (B), section 1.0 a); Spelthorne's PH application form requirement, section 2 p.
7	Continuing failure, after a further 4 weeks has elapsed, to provide documentary evidence that a licensed vehicle has the appropriate motor insurance cover.	4	✓		LG(MP)A 1976 s50 (4); Spelthorne's Hackney Carriage(HC) Byelaw 9; Spelthorne's HC vehicle licence – conditions of licence, section 2.0 a); Spelthorne's HC application form requirement, section 1 p; Spelthorne's Private hire (PH) licence – conditions of licence, part (B), section 1.0 a); Spelthorne's PH application form requirement, section 2 p.
8	Failure to produce specified documents within a specified timescale when requested by a Council Officer in writing.	4	✓	✓	Depends which documents are requested, because various sections of LG(MP)A 1976 apply.
9	Continuing failure to provide relevant documents to a Council officer, as requested in writing – for every 4 weeks that elapse.	4	✓	✓	LG(MP)A 1976 s73(1)(b) and/or(c).
10	Failure to produce a Hackney Carriage or Private Hire vehicle for inspection/testing when Requested by a licensing officer.	4		✓	LG(MP)A 1976 s50(1).
11	Continuing failure, to provide a hackney carriage or private hire vehicle for inspection/testing within the	4		✓	LG(MP)A 1976 s50(1).

	timescale specified by the Licensing Officer..				
12	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.	6		✓	LG(MP)A 1976 s56(2); Spelthorne's Private hire operators' licence conditions – sections 2.0 and 3.0.
13	Failure to produce on request records of drivers' work activity.	6		✓	LG(MP)A 1976 s56(2); Spelthorne's Private hire operators' licence conditions – sections 2.0 and 3.0.
14	Failure to notify, in writing, a change in medical circumstances	6	✓		LG(MP)A 1976 s57 (1) – for hackney carriage drivers when renewing their licences; or LG(MP)A 1976 s73 (1)(c) – for hackney carriage drivers if an officer has grounds to suspect their medical condition has changed; Spelthorne's Private hire drivers licence conditions – section 7.0 (i.e. within 14 days).
15	Failure by a private hire operator to maintain proper records of drivers or vehicles registered with his/her business.	4		✓	LG(MP)A 1976 s56 (2). Spelthorne's Private hire operators' licence conditions – sections 2.0 and 3.0.
16	Failure to keep or produce records of private hire bookings	6		✓	LG(MP)A 1976 s56 (2). Spelthorne's Private hire operators' licence conditions – sections 2.0 and 3.0.
17	Failure to notify the Council, in writing, of any motoring or criminal convictions within 5 day of conviction or cautions	4	✓	✓	LG(MP)A 1976 s57 (1) – for hackney carriage drivers when renewing their licences; or LG(MP)A 1976 s73 (1)(c) – for hackney carriage drivers if an officer has grounds to suspect they have received convictions or cautions;

	during period of current licence.				Spelthorne's Private hire drivers licence conditions – section 7.0 (i.e. within 14 days).
18	Failure to submit a licence renewal application until after the expiry date of an existing one.	6		✓	Vehicle licence – LG(MP)A 1976 s50(1)
19	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓	Private hire vehicles - LG(MP)A 1976 s1(a)(ii); Spelthorne's Private hire operators licence conditions – section 6.0. Private hire vehicle application requirement 2:0 (r).
20	Failure to comply with any other licence conditions set by the Council.	3 per licence breach	✓	✓	Spelthorne's private hire operators' conditions of licence, section 8.0; Spelthorne's PH licence – conditions of licence, Part (B), section 8.0; Spelthorne's HC vehicle licence – conditions of licence, section 8.0.
21	Failure to notify the Council when involved in an accident whilst using a licensed vehicle.	4	✓	✓	LG(MP)A 1976 s50(1).
21	Failure to notify the Council , in writing, of a change of address within 14 days (two week).	3	✓	✓	LG(MP)A 1976 s57 (1) – for hackney carriage drivers when renewing their licences; or LG(MP)A 1976 s73 (1)(c) – for hackney carriage drivers if an officer has grounds to suspect they have received convictions or cautions; Spelthorne's Private hire drivers licence conditions – section 7.0.
	Conduct of driver, licensed vehicle owner or Operator offences				

22	Using a vehicle subject to a suspension or revocation order issued by the Council.	12	✓	✓	Unlicensed hackney carriage TCPA 1847 s45 d(i) drive (ii) stand on the highway (iii) ply for hire. Operating an unlicensed private hire vehicle – LG(MP)A 1976 s46 (1)(e)(i). Spelthorne’s PH Operators’ – conditions of licence, section 8.0; Spelthorne’s HC vehicle licence – conditions of licence, section 8.0; Spelthorne’s PH licence – conditions of licence, Part (B), section 5.0
23	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle.	12	✓	✓	LG(MP)A 1976 s73(1)
24	Failure to carry an assistance dog without requisite exemption.	12	✓	✓	Disability Discrimination Act 1995 s37; Spelthorne’s PH licence – conditions of licence, Part (A), section 5.0.
25	Serious misconduct or behaviour of a licensee	12	✓	✓	TPCA 1847 s68 – HC drivers; Spelthorne’s HC byelaw 9; Spelthorne’s PH licence – conditions of licence, Part (A), section 1.0 b) & c).
26	Failure to behave in a civil and orderly manner	6	✓	✓	TPCA 1847 s68 – HC drivers ; Spelthorne’s HC byelaw 9; Spelthorne’s PH licence – conditions of licence, Part (A), section 1.0 b) & c).
27	Plying for hire by private hire drivers.	12	✓		TPCA 1847 s45 ; Spelthorne’s PH licence – conditions of licence, Part (B), section 5.0.
28	Unreasonable prolongation of journey	6	✓		TPCA 1847 s54,58, & LG(MP)A 1976 s66,69 – HC drivers; LG(MP)A 1976 s69 – PH drivers;
29	Failing to activate the meter or charging more than the	12	✓		TPCA 1847 s54,58, & LG(MP)A 1976 s66,69 – HC drivers; LG(MP)A 1976 s69 – PH drivers;

	metered fare for journeys inside the borough				Spelthorne's HC byelaw 4, 5, 6, 14 and 15.
30	Carrying more passengers than the capacity stated on the vehicle licence.	6	✓		TPCA 1847 s45 - HC drivers; LG(MP)A 1976 s46(1)(a) – PH drivers; Spelthorne's HC byelaw 11; Spelthorne's PH licence – conditions of licence, Part (A), section 2.0 a).
31	Failure to carry fire extinguisher.	3		✓	Spelthorne's HC Byelaw 3 (h); Spelthorne's HC licence application requirements, section 1.0 n); Spelthorne's PH licence application requirements, section 2.0 n).
32	Failure to carry a first aid kit.	3		✓	Spelthorne's PH licence application requirements, section 2.0 o); Spelthorne's HC licence application requirements, section 1.0 o).
33	Smoking or vaping in vehicle by either the driver or any passenger(s).	4	✓	✓	Health Act 2006 s7(2) and s8(4) Spelthorne's PH licence – conditions of licence, Part (A), section 1.0 g).
34	Eating, using a mobile phone which was not hands free, or drinking while his/her vehicle was in motion.	4	✓	✓	Spelthorne's HC byelaw 9. Spelthorne's PH licence – conditions of licence, Part (A), section 1.0 c) & d).
35	Failure to wear private hire or hackney carriage driver's badge.	4	✓		Spelthorne's HC Byelaw 12; LG(MP)A 1976 s54(2) – PH drivers.
36	Refusal to accept hiring without reasonable cause	4	✓		TPCA1847 s 52 or s53 – HC drivers;
37	Failure to observe rank discipline – taxi drivers (e.g. plying for hire outside the markings of one of the borough's taxi ranks).	4	✓		TPCA 1847 s64; Spelthorne's HC byelaw 7.
38	Failure to issue a receipt on request	4	✓	✓	Spelthorne's PH licence – Conditions of licence, Part (A), section 4.0.
39	Failure to give assistance with loading/unloading	4	✓	✓	Spelthorne's HC byelaw 13; Spelthorne's PH licence – conditions of licence, Part (A), section

	luggage to or from any building or place.				1.0 a)
40	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	✓	Spelthorne's PH licence – conditions of licence, Part (A), section 6.0; Spelthorne's HC byelaw 10; Spelthorne's PH Operators' licence – conditions of licence, section 7.0 a).
41	Failure to display the fare card.	3	✓	✓	Spelthorne's HC byelaw 15 (a); Spelthorne's HC vehicle licence – conditions of licence, section 4.0.
42	Waiting or stopping on a double yellow road line, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle.	3	✓		TPCA 1847 s28 .
43	Failure to comply with any other licence conditions set by the Council	3 per licence breach.	✓	✓	Spelthorne's PH Operators' licence – conditions of licence, section 8.0; Spelthorne's HC vehicle licence – conditions of licence, section 8.0; Spelthorne's PH licence – conditions of licence, Part (B), section 8.0.
44	Any other inappropriate behaviour, as defined by Council Officers in accordance with Spelthorne's licence conditions	Sliding scale: 1-12 points depending on the severity of the issue	✓		Spelthorne's PH licence – conditions of licence, Part (B), section 8.0.
	Condition of vehicle offences				
45	Using a non-approved or	12	✓	✓	LG(MP)A 1976 s71 ;

	non-calibrated taximeter				Spelthorne's HC byelaw 4; Spelthorne's HC licence application requirements, section 1.0 e).
46	Displaying any feature on a private hire vehicle that may suggest that it is a taxi vehicle.	6		✓	LG(MP)A 1976 s48(1)(a)(ii); Spelthorne's PH licence – conditions of licence, Part (B), section 3.0; Spelthorne's PH licence application requirements, section 2.0 r).
47	Displaying any feature on a taxi that may suggest that it is a private hire vehicle.	6		✓	Spelthorne's HC application requirements, section 1.0 e); Spelthorne's HC vehicle licence – conditions of licence, section 5.0 & 6.0.
48	A licensed vehicle with illegal tyres	4 per tyre		✓	Spelthorne's HC vehicle licence – conditions of licence, section 2.0 a); Spelthorne's PH licence – conditions of licence, Part (B), section 1.0 a).
49	Failure to use authorised roof light on a hackney carriage vehicle.	4	✓		Spelthorne's HC vehicle licence – conditions of licence, section 5.0.
50	Failure to display the external/internal licence plate or signs as required.	4		✓	TPCA 1847 s52 - HC drivers; LG(MP)A 1976 s48(6) – PH drivers; Spelthorne's PH licence – conditions of licence, section 2.0; Spelthorne's HC vehicle licence – conditions of licence, section 3.0.
51	Failure to report to the Council, in writing, within 72 hours, of an accident or damage to licensed vehicle, which would cause the vehicle to breach a licence condition(s).	4	✓	✓	LG(MP)A 1976 s50(3); Spelthorne's PH licence – conditions of licence, Part (B), section 1.0 a) & 4.0.; Spelthorne's HC vehicle licence – conditions of licence, section 2.0 a) & 7.0.
52	Unsatisfactory condition of vehicle, interior or exterior.	4	✓	✓	LG(MP)A 1976 s68; Spelthorne's PH licence – conditions of licence, Part (B), section 1.0 a) & 4.0.; Spelthorne's HC vehicle licence – conditions of licence, section 2.0 a) & 7.0.



53	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle.	3		✓	Spelthorne's PH licence – conditions of licence, Part (B), section 3.0; Spelthorne's PH licence application requirements, section 2.0 r); Spelthorne's HC licence application requirements, section 1.0 r).
54	Leaving car unattended on a rank appointed by the Council	3		✓	Town Police Clauses Act 1847
55	Failure to comply with any other licence conditions set by the Council.	3 per licence condition.	✓	✓	Spelthorne's PH Operators' licence – conditions of licence, section 8.0; Spelthorne's HC vehicle licence – conditions of licence, section 8.0; Spelthorne's PH licence – conditions of licence, Part (B), section 8.0.

Ticks indicate potential recipients of penalty points for infringements.

For certain infringements, points may be issued to one or several persons (drivers, proprietors or operators) depending upon the nature of that infringement.

Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

Penalty Points Notice

To:

Of:

Licence No:

Notice is hereby given that on the date specified below you were found to be in breach of the Council's Penalty Points Scheme in respect of the of the matter(s) detailed below. You should be aware that you may appeal against the award of points as set out overleaf.

Date of breach: Time:

Location of breach:

Penalty Points	Detail of breach(s)	
1)	<input style="width: 100%; height: 20px;" type="text"/>
2)	<input style="width: 100%; height: 20px;" type="text"/>
3)	<input style="width: 100%; height: 20px;" type="text"/>
4)	<input style="width: 100%; height: 20px;" type="text"/>
Total points imposed		<input style="width: 100%; height: 20px;" type="text"/>

Officer's signature:

Officer's name:

Date points imposed:

Penalty Points Notice

The penalty points imposed by this notice will be recorded on your personal file and will be taken into account when an application for renewal of a licence is made to the Council, or when considering any other enforcement action against you. If you accrue 12 points in any 12 month period, your licence will be reported to the Council's Licensing Sub-Committee for them to consider whether or not you are a fit and proper person to hold such a licence.

If you want to check how many penalty points have been awarded to you in the past 12 months please contact the Licensing team.

If you think this notice should not have been served, you have the right to have the decision reviewed. A request to have this notice reviewed must be made in writing to the Senior Environmental Health Manager within 10 working days of the date of the award of the penalty points, stating why you think the points should not have been awarded. If you have been unable to appeal within this timescale, for example, because you have been away on holiday, then you should contact the Licensing Team as soon as possible on your return. If you can provide proof that you were away then consideration will be given to allow a reasonable extension to the appeal period.

The award of penalty points under this scheme does not prevent you from facing enforcement action by any other agency, such as the Police.

If you have any questions about this notice, please contact:

Spelthorne Borough Council
Licensing
Council Offices
Knowle Green
Staines-upon-Thames
Middlesex
TW18 1XB

Telephone number: 01784 446432
Email: licensing@spelthorne.gov.uk
Website: www.spelthorne.gov.uk