



# **Hackney Carriage & Private Hire Licensing Policy 2022 – 2027**

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## 1. INTRODUCTION

- 1.1. Blaby District Council (The Council) is responsible for the regulation and administration of the Hackney Carriage and Private Hire trades within the district of Blaby.
- 1.2. The Council recognises the important role that Hackney Carriage and Private Hire vehicles play in enabling people to travel safely around the district, whilst playing a visible role in portraying a positive image of Blaby District.
- 1.3. Customers expect that when using a Hackney Carriage or Private Hire vehicle they will be transported safely. It is beneficial to ensure that a customer's experience is positive as this helps the industry and local economy to thrive.
- 1.4. This Licensing Policy ("the Policy") is written pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 ("the Act"), as amended and the Town Police Clauses Act 1847 which places on Blaby District Council ("the Council") the duty to carry out its licensing functions in respect of Private Hire vehicles, drivers, and Operators and Hackney Carriage vehicles and drivers.
- 1.5. In developing this policy we have also taken into consideration;
  - The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003
  - Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
  - Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
  - Regulators' Code 2014
  - The Department for Transport's "Statutory Taxi & Private Hire Vehicle Standards: Best Practice Guidance" - July 2020
  - Immigration Act 2016
  - Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire trades – April 2018
  - Policing & Crime Act 2017
  - Equalities Act 2010
  - Road Traffic Acts
- 1.6. This Policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions; the Council will have regard to this Policy document. However, each application or enforcement action will be considered on its own merits.
- 1.7. This policy applies to:

- Hackney Carriages: being a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public.
- Private Hire Vehicles: being a public transport vehicle with no more than 8 passenger seats, which must be booked in advance by customers through a Private Hire Operator and may not ply for hire in the street.
- Private Hire Operators
- Hackney Carriage and Private Hire drivers

## **2. LICENSING AIMS AND OBJECTIVES**

2.1. In setting out its Policy, the Council seeks to promote the following objectives;

- The protection of the public, safeguarding children and the vulnerable, and the prevention of possible crime and disorder;
- The health and safety of the drivers;
- Protection of the local environment;
- Access to an efficient and effective transport service and the maintenance of a professional and respected licensed trade

2.2. The Council in composing this Policy has been mindful of the need to justify each requirement against the risk it seeks to address, or objective it seeks to promote. Where the cost of implementing a proposed requirement was not commensurate with the perceived benefit in either of these areas, the introduction of the requirement was not pursued.

2.3. When considering each of the requirements detailed in this document, the Council has tried to ensure that each requirement is proportionate to the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

## **3. DEPARTURE FROM THE POLICY**

3.1. In carrying out their regulatory functions, the Council will have regard to this Policy and in particular, the objectives set out above. Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons will be given for doing so.

## **4. IMPLEMENTATION**

4.1. This Policy will take effect from 1<sup>st</sup> April 2022.

4.2. The policy will be kept under review and evaluated when needed after its introduction to reflect changes in legislation and case law. The Council will formally review the policy five years after it is adopted. Prior to the end of the

five-year period, a full consultation will be undertaken with a view to publishing a new Policy to take effect no later than the date of expiry of the existing Policy.

- 4.3. This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

## **5. WHISTLEBLOWING**

- 5.1. This relates to the reporting of allegations of illegalities or wrong doings in the Hackney Carriage and Private Hire trades regulated by Blaby District Council's licensing service.
- 5.2. Such reports may be considered as "whistleblowing" and legislation exists to protect such individuals in certain circumstances. You will be considered a whistle-blower if you're a worker and you report certain types of wrongdoing, so as an employed Private Hire driver for example, this will usually be something you've seen at work.
- 5.3. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.
- 5.4. Private Hire and Hackney Drivers or other persons in the trade can raise any concerns with Blaby District Council directly. Any information will be treated confidentially, taken seriously, and appropriately investigated.
- 5.5. A Hackney Carriage or Private Hire driver or other persons employed in the trade may choose to contact Blaby Licensing anonymously by submitting evidence, along with any other relevant details, via [licensing@blaby.gov.uk](mailto:licensing@blaby.gov.uk). However, in these cases a reporter may lose their whistleblowing law rights. Appendix B gives more details.

## **6. DRIVERS**

### **Licences**

- 6.1. Under the Act, the Council must be satisfied that an applicant is a fit and proper person to hold a Private Hire or Hackney Carriage driver's licence.
- 6.2. Private Hire and Hackney Carriage drivers are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Private Hire and Hackney Carriage drivers should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances, should Private Hire or Hackney Carriage drivers take the law into their own hands. They are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 6.3. All Private Hire and Hackney Carriage Driver Licences will be issued for the applied time period as stated in the fees and charges scheme. A Private Hire or

Hackney Carriage driver's licence may be issued for a lesser period if the Private Hire and Hackney Carriage Regulatory Committee think it is appropriate in the circumstances of the case or the applicant has a time-limited right to work in the UK.

### **Experience**

- 6.4 A licence will not be granted to anyone who has not held a full DVLA driving licence for a period of at least twelve months immediately prior to the application.
- 6.5 Driving licences issued by another Member State of the European Community (EC) or one of the countries in the European Economic Area (EEA) are acceptable providing the applicant has held the licence for at least 12 months. An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must obtain a confirmation of registration document (D91) from the DVLA prior to the issue of the Private Hire or Hackney Carriage driver's licence, which can be attached to the non-UK driving licence and used by the DVLA to monitor penalty points obtained whilst driving in the UK.
- 6.6 All drivers are required to demonstrate a good level of English in order to fulfil their duties including in any emergency or challenging situations. A good level of English is required for the passenger's and the driver's safety.
- 6.7 An applicant's level of English will be assessed during the initial application appointment by assessing their ability to hold a conversation with the Licensing Officer. If there are any concerns, the applicant will be advised to take steps to improve their English language proficiency. If any concerns are raised by the Licensing Officer, then a further assessment will be carried out at the knowledge test to assess if their English has improved. This will be in the format of a conversation with the Licensing Officer. If there are still concerns over an applicant's level of English when a full application has been submitted, then under delegated Officer powers, the application may be refused. Alternatively, the application may be referred to the Private Hire and Hackney Carriage Regulatory Sub-Committee for determination.

### **Driver Knowledge Tests**

- 6.8 The Council recognises that Private Hire and Hackney Carriage drivers require a working knowledge of the District as a whole, and an understanding of the laws and conditions they are required to comply with. To this extent, the Council requires all applicants to undertake a knowledge test.
- 6.9 The knowledge test will consist of:
- Writing a receipt.
  - Questions on giving the correct change to customers.

- Questions on the Council's Private Hire or Hackney Carriage conditions and Policy.
- Questions on the highway code.
- Questions on the legislation relating to Private Hire.
- Shortest route questions.
- Identifying the location of places of interest.
- Road signs.

6.10 A fee will be payable for each test taken. The test fee will be non-refundable and subject to regular review. If an applicant fails to attend the knowledge test without notifying the Council 24 hours prior to the test, the fee paid will be forfeited. A further fee will be required to book on to another test date.

6.11 An applicant must achieve an 80% pass rate in all sections of the test. An applicant will have 3 attempts to pass the knowledge test. Failure to pass the test on the 3rd attempt will result in the applicant not being permitted to sit a further knowledge test for one year from the date of the 3rd failure.

6.12 Any person found to be cheating on the knowledge test will be disqualified from that test and the test paper will not be marked. However, the test will count towards the total of 3 attempts.

6.13 The Licensing Team Leader, in consultation with the Environmental Services Manager, are authorised to amend the administration of the knowledge test and to add/delete questions to reflect any changes in legislation or local issues. The administration of the knowledge test will be transparent, and all applicants will be made aware of the current criteria and applicable fees on application.

6.14 Applicants who are applying for a restricted Private Hire driver licence to undertake home-to-school transportation only are exempt from the requirement to undertake a knowledge test. Should a restricted licence holder ever wish to undertake ordinary Private Hire work, passing a knowledge test would be required before the restriction was removed and a standard Private Hire driver licence is issued. Where the Council believe that a driver is operating outside of the restricted licence requirement, further enforcement action may be taken which could include suspension or revocation of the driver licence.

### **Practical Driving Test**

6.15 All applicants must complete and pass a Hackney Carriage or Private Hire assessment course prior to application to ensure they are aware of the hazards of driving. The requirement to take a driving course helps raise the standard of driving and ensure persons are aware of other road users. The applicant must provide a signed copy of the assessment pass certificate before their application can be considered.

6.16 With regards to existing licensed drivers, there is no requirement to pass the assessment. However, where a driver obtains 9 points or more in a three-year rolling period on their DVLA driving licence, there will be the requirement to pass the test. A maximum time limit of three months is allowed to pass the test. A copy of the pass certificate must be provided to the Council. Failure to pass the test within three months will result in the suspension of the Private Hire or Hackney Carriage driver's licence until a certificate has been submitted.

### **Disability Awareness Training**

6.17 To ensure compliance with the Equality Act 2010, the Council requires all drivers who will drive a wheel chair accessible vehicle to undertake disability awareness training. The training will be provided by an external provider and will be arranged by the applicant. A fee will be payable. If the applicant has undertaken an equivalent training course, they will not need to complete the training if a certificate has been provided to the Council.

### **Medical Examination**

6.18 All drivers are required to provide a prescribed certificate signed by a registered medical practitioner, to the effect that they are physically fit to be the driver of a Private Hire or Hackney Carriage vehicle:

- (i) on initial application
- (ii) every five years until the age of 65, and every 12 months thereafter
- (iii) annually for drivers who are insulin dependent diabetics or where there are other ongoing medical reasons

6.19 The applicant is responsible for the payment of all fees required for any medical.

6.20 The Council will adopt the DVLA Group 2 medical standards when considering the medical fitness of new applicants.

6.21 Where there is reasonable doubt over a driver's fitness, the Council may require the driver to undergo a medical examination by a specified registered medical practitioner at any time. The licence holder will be responsible for the payment of all fees required for any medical examination.

6.22 The Council requires all licence holders, who have an illness or injury that affects their fitness to drive, to notify the Council of this fact in writing within 72 hours.

### **Medical Exemption Certificates**

6.23 Private Hire and Hackney Carriage drivers must allow assistance dogs to be carried in their vehicles. Drivers of Private Hire vehicles on the designated list of wheelchair accessible vehicles must help wheelchair users. However, it is possible to apply for an exemption from carrying assistance dogs and/or providing physical assistance to wheelchair users on medical grounds. To



request an exemption, the driver must complete an application form. Medical evidence will be required to support the exemption request.

- 6.24 Once an exemption has been granted, the driver will be issued with a medical exemption certificate. The driver must display a notice of exemption on the nearside of and immediately behind the windscreen of the vehicle. The notice must be displayed in a manner that readily permits its removal. The notice must be displayed so that its front is clearly visible from the outside of the vehicle and its back is clearly visible from the driver's seat of the vehicle.
- 6.25 In the absence of a medical exemption certificate from the Council, it would be a criminal offence for a Private Hire or Hackney Carriage driver to refuse to carry an assistance dog, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog. It would be an offence for a Private Hire or Hackney Carriage driver to refuse the carriage of wheelchair users, fail to provide them with assistance or to charge them extra. This Council takes complaints of this nature very seriously and will look to take action against a Private Hire or Hackney Carriage driver and/or Operator on any complaint received.

#### **Disclosure and Barring Service (DBS) Disclosures**

- 6.26 Under the Rehabilitation of Offenders Act 1974, Private Hire and Hackney Carriage drivers are an exempt occupation therefore all convictions even if they are considered spent can be taken into consideration when determining an applicant's fitness and propriety. All convictions, except protected cautions and convictions must be declared on the application form and failure to do so will be treated as a dishonest act.
- 6.27 All applicants are required to obtain a Disclosure and Barring Service (DBS) Enhanced Disclosure upon first application. A check of the barred lists is also carried out by this Council. The applicant or licence holder will be responsible for any associated fees. Please note that the Council will not receive a copy of the DBS certificate therefore the applicant must submit their copy to the Council. No application will be granted until a DBS certificate has been received.
- 6.28 Any applicant who has lived overseas for more than a period of six continuous months since the age of 18 will be required to submit a certificate of good conduct or similar document from the relevant embassy before an application will be considered valid. This certificate must be in English and the applicant will be responsible for any fees incurred in obtaining the certificate.
- 6.29 From 1<sup>st</sup> January 2023, it will be mandatory for all Private Hire and Hackney Carriage drivers to be signed up to the DBS online checking service, and maintain continuous registration during the time in which they hold a driver's licence. The driver will be responsible for any associated fees.

6.30 As all drivers will be signed up to the DBS online update service, the Council will carry out a criminal record check every 6 months. The Council may carry out further checks if they have reasonable cause to do so.

6.31 In order to carry out an online check, the Council will require the following:

- (i) confirmation of ID in line with a DBS check.
- (ii) original DBS certificate to an enhanced level including a check of the barred lists
- (iii) consent form signed by the driver permitting the Council to carry out an online check.

6.32 It should be noted that if the online check shows that the licence holder has received any convictions or cautions since the issue of the DBS certificate then a new DBS certificate will have to be applied for and obtained. The licence holder will be responsible for any associated fees. The Council may suspend the Private Hire or Hackney Carriage driver's licence pending the receipt of the DBS certificate.

6.33 If the Council is unable to carry out an online criminal record check prior to the due date then notification will be sent to the driver so a new DBS certificate can be obtained. The driver's licence will be suspended if a satisfactory check cannot be carried out before the due date.

6.34 All new applicants and all existing licence holders will be required to obtain the required DBS certificate from the Council's recommended third-party provider.

6.35 The licence holder must notify the Council immediately in writing if their subscription to the DBS online checking service lapses. The driver must then apply for a new DBS certificate. If the online check is due, then the driver's licence will be suspended until a satisfactory check can be carried out.

### **Relevance of Convictions and Cautions upon initial application**

6.36 Any application containing convictions, cautions, or information considered relevant to the application will be considered at the time of application in accordance with the Relevance of Convictions section of this Policy in Appendix A.

6.37 In assessing whether the applicant is a 'fit and proper person' to hold a licence, the Council will consider each case on its own merits, and in line with the Councils Fit and Proper Person Policy.

6.38 Applicants with multiple or more recent convictions may be referred to the Private Hire and Hackney Carriage Regulatory Sub-Committee for determination.

## **Convictions during any period of licence**

- 6.39 The Council requires all licence holders who are interviewed, arrested, receive a summons or a postal requisition notice to report this fact to the Council within 48 hours. A representative may fulfil this requirement if the licence holder is unable to.
- 6.40 The Council requires all licence holders who are interviewed, arrested, charged or convicted of a sexual offence, offence involving dishonesty or violence or any motoring offence to report this information to the Council within 48 hours of being convicted or cautioned. The Council requires all licence holders who are subsequently convicted or cautioned for any other criminal offence during the period covered by their existing licence to report this information to the Council within seven days of being convicted, or cautioned, or receiving a fixed penalty notice.
- 6.41 In the case of a deferred sentence, the penalty must be disclosed to the Council within seven days of sentencing. Any fixed penalty notice should be reported to the Council upon acceptance of the notice as opposed to when the driving licence has been updated.

## **Right to work**

- 6.42 All applicants will be required to submit proof of right to work on initial application. The proof should be submitted at the time of application. A list of acceptable documents can be found in the new application pack. If an applicant is not able to provide proof of right to work, then they will not be permitted to apply for a Private Hire or Hackney Carriage driver's licence.
- 6.43 All right to work checks on existing drivers were completed at the time of renewal following the introduction of the requirement.
- 6.44 Proof of an applicant's and licence holder's right to work will be stored securely on file by the Council as evidence that the right to work check has been completed.
- 6.45 If the right to work is for a limited period then the licence will only be issued up until the expiry of the right to work. Once a new right to work has been submitted the licence will be re-issued for either the remainder of the period of the licence or until the right to work expires whichever is sooner. Proof of their right to work will be required before a licence is re-issued.
- 6.46 If a licence holder's right to work is withdrawn at any time, the licence holder is required to notify the Council immediately. In addition, the Home Office will notify the Council that the right to work has been withdrawn.

6.47 If the right to work is withdrawn, then the Private Hire or Hackney Carriage driver's licence will lapse. It is an offence to work as a Private Hire or Hackney Carriage driver without a valid Private Hire or Hackney Carriage driver's licence.

### **Safeguarding and Child Sexual Exploitation Awareness Training**

6.48 The Council requires all drivers to undertake safeguarding awareness training. The training will be provided by the Council's approved training partner and will cover the topics of safeguarding and CSE awareness. The cost of the training is to be paid directly to the provider by the applicant.

6.49 For newly licensed drivers, training must be completed within 6 months of being licensed. Any driver who fails to meet this requirement may have their driver's licence suspended until the training is completed.

6.50 Every licence holder will have to complete Safeguarding refresher training every three years. An application to renew a driver's licence will not be determined until the refresher training has been completed. A copy of the certificate confirming that the training has been completed must be submitted with the renewal application.

### **DVLA Licence Checking**

6.51 It will be necessary for a DVLA driving licence check code to be supplied which enables the Council to obtain a driver's complete driving history from the DVLA upon initial application and annually during the period of the licence.

### **Restricted Private Hire Driver Licence – home-to-school transport only**

6.52 From 1<sup>st</sup> April 2023, a restricted Private Hire Driver licence is available to applicants for the purposes of conducting home-to-school transportation only, namely contractual transportation approved by a Local Education Authority (LEA) or Academy Trust. All journeys must either start or end in Leicestershire. No other or wider Private Hire work can be conducted by the licence holder.

6.53 A restricted Private Hire Driver licence may be granted to an applicant, however the licence will not be issued to the applicant until evidence is provided confirming that an approved contract with an LEA or Academy Trust is in place. A Private Hire Operator can provide evidence of a contract on behalf of a licence holder.

### **National Register of Taxi Licence Refusals and Revocations (NR3)**

6.54 The Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage or Private Hire driver's licence revoked, or an application for one refused. This is necessary for assessing whether an individual is a fit and proper person to hold a Private Hire or Hackney Carriage driver's licence.

6.55 The Council will provide information to NR3 in the following circumstances:

- When a Private Hire or Hackney Carriage driver's licence application is refused.
- When a Private Hire or Hackney Carriage driver's licence is revoked.

6.56 All new applications for the grant of a Private Hire or Hackney Carriage driver's licence will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the Council will seek further information about the entry on the register from the Licensing Authority who recorded it. Any information received because of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

6.57 Information will be retained on NR3 for a period of 25 years.

6.58 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision, or receipt of information of or under NR3 are necessary to the Council's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence.

### **Application Procedure**

6.59 The application procedures for a Private Hire or Hackney Carriage driver's licence are set out by the Council. Applications must be made on the specified application form. Details of the application procedure can be found on Blaby District Council's Private Hire and Hackney Carriage licensing web pages.

6.60 The Council will undertake to send a renewal reminder to a licence holder's registered address one month prior to the expiry date for a standard renewal and 3 months in advance for a renewal that requires a DBS check and/or Medical check. However, licence holders are reminded that the responsibility to renew a licence in accordance with this Policy remains their responsibility.

6.61 An application will not be validated until all the relevant documentation has been received. Once a valid application has been received, the Council will determine the application within five working days.

6.62 If the renewal application has not been determined when the existing licence expires, the licence holder must not work as a Private Hire or Hackney Carriage driver until the new licence has been granted.

6.63 Once the date of expiry of an existing licence has passed and a valid renewal application has not been received, the licence automatically expires. Expired licences cannot be re-instated. A new licence application will be required.

### **Conditions of Licence**

6.64 The Council is empowered to attach such conditions to a Private Hire driver's licence as are considered reasonably necessary. All Private Hire driver's licences will be issued with the Private Hire driver's licence conditions attached.

6.65 Byelaws made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 by the Council will be attached to all Hackney Carriage driver licences.

## **7. VEHICLES**

### **Specifications and Conditions**

7.1 The Council has a wide range of discretion over the types of vehicle that they can licence as Private Hire and Hackney Carriage vehicles.

7.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Private Hire or Hackney Carriage vehicle licence.

7.3 Private Hire and Hackney Carriage vehicles provide a necessary service to the public, however, it is appropriate to set standards for the external and internal condition of the vehicle and the mechanical fitness of the vehicle.

7.4 All Private Hire and Hackney Carriage vehicles must meet the standards as laid down by the Council with regard to standards of appearance.

### **Appearance of the Vehicles**

7.5 The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:

- (i) be free of dents;
- (ii) be free of visible rust;
- (iii) be free of any scratches over 10cm in length;
- (iv) be free of unrepaired accident damage;
- (v) have uniform paintwork equivalent to that applied by the manufacturer;
- (vi) not be missing any exterior trim;
- (vii) have all 4 hub caps (if part of the original specification) present, matching and scuff free; and
- (viii) be maintained in an acceptable state of cleanliness.

7.6 The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:

- (i) be free of stains to the upholstery including carpets, and door trim;
- (ii) be free of splits and tears to the upholstery and passenger seats;
- (iii) be maintained in an acceptable state of cleanliness;
- (iv) have no edges or damaged items likely to cause injury to a passenger;
- (v) be free from damp and odour that may cause passenger discomfort; and

- (vi) provide seats functioning in accordance with the manufacturers' specification.

### **Age of Vehicles**

- 7.7 On the initial grant of a Private Hire or Hackney Carriage vehicle licence, all vehicles must be less than five years old from the date of first registration. The date will be taken from the V5C logbook.
- 7.8 A licensed vehicle may continue to be licensed until it reaches 10 years of age from the date of first registration if it:
  - (i) is mechanically tested by an appointed garage every 6 months
  - (ii) obtains a MOT pass certificate; and
  - (iii) is compliant with the standards of appearance
- 7.9 Once a licensed vehicle reaches ten years old, the licence will not be renewed.
- 7.10 Any vehicle of any age may have their renewal application refused, or their vehicle licence suspended or revoked if the vehicle fails its mechanical test / re-test on any issues which could undermine the public safety objective.
- 7.11 If the vehicle proprietor is aggrieved by the decision of the testing station then any concerns can be raised with the Licensing Team Leader to determine whether the requirements of the Council have been met or not.
- 7.12 From 1 September 2025, all licensed vehicles must be fitted with at least a Euro 6 compliant engine or equivalent using retrofit technology (registered since September 2015). Euro 5 compliant engines or older will not be permitted. Any vehicle with a Euro 5 compliant engine or older will not be licensed at the time of renewal.
- 7.13 Applicants will be required to prove that the engine is suitable. Any vehicle with an engine older than the required euro emissions standard will not be licensed at the time of renewal unless it can be verified that the emissions have been suitably lowered using approved retrofit technology.

### **Vehicle Testing**

- 7.14 All vehicles over 3 years of age must have a valid DVSA MOT pass certificate upon first application and annually thereafter.
- 7.15 In addition to the MOT testing, the vehicle must also be mechanically tested and inspected by the Council's appointed testing stations every 6 months. A test fee will be payable for all tests carried out prior to the test being commenced.

- 7.16 A re-test fee may be payable if the vehicle fails the visual and/or mechanical compliance test at an appointed testing station. A re-test fee will be dependent on the category that the failure falls into, either minor or major.
- 7.17 A valid MOT certificate and compliance test pass sheet must continuously be in place throughout the course of the licence. Failure to provide an updated MOT certificate or compliance test pass sheet before the expiry of the current documents will result in the licence being suspended until such a time as new satisfactory documents have been received.
- 7.18 The licence of any vehicle which fails to meet its inspection requirements will be immediately suspended on public safety grounds until such time as the vehicle has been re-examined and the necessary pass certificates obtained.
- 7.19 The vehicle licence plate must be returned to the Licensing department within seven days of receipt of the suspension notice.
- 7.20 The licence holder must not use the vehicle after they have been served this suspension notice until such time as the inspection requirements are met, the relevant fee paid, and the licence holder is in receipt of a letter/email confirming that the suspension has been lifted by an Authorised Officer.
- 7.21 Any vehicle licence suspended due to continuing failure to meet its inspection requirements will automatically be revoked two months after the date of suspension in line with the legislative requirements.
- 7.22 In addition to the above testing requirements, all licensed vehicles shall be liable to be randomly inspected and tested by an Authorised Officer. These tests will be undertaken at the Council Offices, or any other location. The tests may be conducted in conjunction with the Police and/or DVSA inspectors. If it is discovered during an inspection that a vehicle is not being properly maintained, a suspension notice may be served under section 68 of the Act on public safety grounds. This notice will specify the defects and the action required to remedy the problem. The vehicle may not be used for Private Hire or Hackney Carriage purposes until an Authorised Officer lifts the suspension. The licence plate must be returned to the Authorised Officer/Licensing department within 7 days of receipt of the suspension notice.
- 7.23 Failure to comply with the requirements of a section 68 notice will be considered a serious breach of licensing requirements and dealt with accordingly. If the requirements of a section 68 notice are not rectified within two months, the vehicle licence will be revoked in accordance with the Act.



## **Alteration of Vehicle**

- 7.24 If a licence holder wishes to make any material alteration or change in the specification, design, condition, or appearance of the vehicle then they must notify the Council in writing before any changes are made.
- 7.25 If the vehicle is already licensed, the licence will be suspended while the changes to the vehicle are being made. The licence plate must be returned to the Council.
- 7.26 Once any changes have been made, the licence holder will need to provide the Council with a Confirmation of Compliance notification from the Driver and Vehicle Standards Agency (DVSA).

## **CCTV and other electronic equipment**

- 7.27 This policy does not place a mandatory requirement to install a CCTV system in Private Hire or Hackney Carriage vehicles.
- 7.28 The Licensing Authority has determined that CCTV systems can be installed and operated in Private Hire and Hackney Carriage vehicles for the following legitimate purposes:
- Preventing and detecting crime
  - Reducing the fear of crime
  - Enhancing the safety of Hackney Carriage and Private Hire Vehicle Drivers and their passengers.
- 7.29 The policy seeks to ensure that the installation and operation of CCTV systems does not:
- (i) Unreasonably interfere with the rights and freedoms of members of the public; and
  - (ii) Compromise the safety of drivers and passengers.
- 7.30 A CCTV system will include any electronic recording device attached to the inside of a Private Hire or Hackney Carriage vehicle having the technical capability to capture and retain visual images from inside or external to the vehicle.
- 7.31 Any CCTV system to be fitted in a Private Hire or Hackney Carriage vehicle must, as a minimum, meet the requirements of this policy.
- 7.32 Where a licensed vehicle proprietor/driver wishes to install and use a CCTV system, it will be mandatory that the requirements of this policy are fully complied with.
- 7.33 Other electronic equipment which is not supplied with the vehicle as standard should only be for the receiving and fulfilling of bookings.

- 7.34 Unauthorised equipment for the recording and replay of video and audio is not permitted.
- 7.35 Dash-cams may be installed with the agreement of the Licensing Team Leader. These must be set up correctly for recording outside of the vehicle only.

### **Insurance**

- 7.36 A valid insurance certificate must continuously be in place throughout the course of the licence. The insurance policy must cover the licence holder for hire and reward purposes (Private Hire) and public hire (Hackney Carriage) and include all drivers of the vehicle for that purpose. Failure to provide an updated insurance certificate before the expiry of the current documents will result in the licence being suspended until such a time as new satisfactory documents have been received.
- 7.37 Any person named on an insurance certificate must be a licensed Private Hire or Hackney Carriage driver with this Council. The Council will not accept any insurance certificates that names any person other than a licensed Private Hire or Hackney Carriage driver.
- 7.38 If a licensed driver is added to the insurance policy during the term of the licence, an updated insurance certificate must be sent to the Council within five working days.

### **Exemption to display a licence plate**

- 7.39 Licensed vehicles are required to display a licence plate externally affixed on the rear of the vehicle, and in internal plate displayed on the near side of the windscreen. Exemptions may be given for certain types of Private Hire vehicle however a certificate of exemption from the Council will be required and the licence plate must always be carried in the vehicle. There is no exemption to display a licence plate for Hackney Carriage vehicles.
- 7.40 Exemption requests must be submitted in writing. Exemptions will only be granted to licensed vehicles used for executive hire, corporate contracts, or work of a similar nature as required by the client. Evidence will be required before any exemption is granted by the Council. Vehicles that are used for a combination of 'exempt' work and normal Private Hire work will be required to always display the licence plate when the exemption does not apply.
- 7.41 Exemption notices will last for the length of the vehicle licence regardless of when granted. Application for a new exemption notice will be required annually subject to the requirements above.

## **Wheelchair Accessible Vehicles**

7.42 The Council is committed to social inclusion and ensuring a wide variety of opportunities are available to those with mobility difficulties to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that:

“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible.”

7.43 The Council encourages Private Hire Operators and Hackney Carriage proprietors to provide vehicles that are fully wheelchair accessible and able to take any form of wheelchair, including motorised wheelchairs.

7.44 The Private Hire and Hackney Carriage trade should be aware of a good practice guide produced by the Equality and Human Rights Commission. Private Hire Operators also have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.

7.45 The licence holder and all other drivers of wheelchair accessible vehicles must be suitably trained on how to use the equipment in the licensed vehicle and how to assist a person in a wheelchair. A Wheelchair Test Assessment pass certificate will be required for all drivers of the wheelchair accessible vehicle. The pass certificates must be provided to the Council on application and before any additional driver drives the wheelchair accessible vehicle.

7.46 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must be tested every six months in accordance with the requirements of the relevant legislation. Any such equipment must be maintained in good working order and be always available for use. The certificate must be provided to the Council. Failure to provide an updated certificate before the expiry of the current document will result in the licence being suspended until such a time as a new satisfactory document has been received.

7.47 Wheelchair accessible vehicles must be five years old or less from the date of registration on initial grant of a Private Hire vehicle licence. A wheelchair accessible vehicle may continue to be licensed until it reaches 10 years of age.

## **Disability Awareness Training**

7.48 To ensure compliance with the Equality Act 2010, any driver wishing to licence or drive a Wheelchair Accessible Vehicle will also be required to undertake disability awareness training. The training will be provided by an external provider and will be arranged by the applicant. A fee will be payable. If the applicant has

undertaken an equivalent training course, they will not need to complete the training if an original certificate has been provided to the Council.

- 7.49 New and existing drivers who wish to licence a Wheelchair Accessible Vehicle for Private Hire or Hackney Carriage use are required to have completed the disability awareness training prior to licensing the Wheelchair Accessible Vehicle.

### **Trailers**

- 7.50 The Council permits the use of trailers for Private Hire and Hackney Carriage vehicles. The trailer must meet the requirements set out in the Private Hire and Hackney Carriage vehicle licence conditions. An application form must be submitted to the Council with the required documentation. The trailer must be tested at an authorised testing station. A fee is payable.

- 7.51 Once the application has been received, a licence plate and licence will be issued. The licence plate must be displayed on the rear of the trailer at all times when the trailer is in use. The trailer must only be used with the licensed vehicle that it was presented with at the authorised testing station.

### **Dual Plating**

- 7.52 The Council will not grant a Private Hire or Hackney Carriage vehicle licence for any vehicle already licensed by another licensing authority.

### **Vehicle Signs and Notices**

- 7.53 The Council permits the use of signs and notices on Private Hire and Hackney Carriage vehicles. The signs and notices must meet the requirements set out in the Private Hire and Hackney Carriage vehicle licence conditions.

### **Tinted Windows**

- 7.54 The vehicle windows shall comply with both type approval and the Construction and Use Regulations 1986 (as amended) with respect to the fitting of tinted, opaque, darkened or privacy glass windows. Rear windows must not be tinted to the extent that the passengers cannot be seen clearly from the outside of the vehicle. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

### **Accidents**

- 7.55 With the safety of the public being a predominate factor of this Policy, all vehicles involved in an accident, collision, or damage, however minor, will be required to report the accident to the Council within 72 hours in line with the vehicle licence conditions attached to each Private Hire and Hackney Carriage vehicle licence.

## **Application Procedures**

- 7.56 The application procedures for a Private Hire and Hackney Carriage vehicle licence are prescribed by the Council. Details of the application procedure can be found on Blaby District Council's Private Hire and Hackney Carriage licensing web pages.
- 7.57 The Council will consider all applications, on their own merit, once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.
- 7.58 Private Hire and Hackney Carriage vehicle licences will be issued for a maximum one-year period from the date of grant.
- 7.59 A Private Hire or Hackney Carriage vehicle licence is issued to a specific vehicle, and proprietor, therefore, any change of vehicle or proprietor during the period of the licence would require the relevant transfer process to be completed.
- 7.60 The Council will undertake to send a renewal reminder to a licence holder's registered address 1 month prior to the expiry date. However, licence holders are reminded that the responsibility to renew a licence in accordance with this Policy remains their responsibility.
- 7.61 An application will not be validated until all the relevant documentation has been received. Once a valid application has been received, the Council will determine the application within five working days.
- 7.62 If the renewal application has not been determined when the existing licence expires, the licence holder must not use the vehicle for Private Hire purposes until the new licence has been received.
- 7.63 Once the date of expiry of an existing licence has passed and a valid renewal application has not been received, the licence automatically expires. Expired licences cannot be re-instated. A new licence application will be required.

## **Criminal Record Checks for Vehicle Proprietors**

- 7.64 All vehicle licence holders who are not licensed as a Private Hire or Hackney Carriage driver or Private Hire Operator with the Council will be required to undertake a basic DBS check on an annual basis. The cost of this check will be met by the applicant. The certificate must be less than one month old when the application is submitted to the Council. The council will make a decision as to the relevance of convictions, cautions, charges and fixed penalty notices in accordance with criminal convictions guidelines in Appendix A.

## **Taxi Meters and Fares**

- 7.65 All Hackney Carriage vehicles are required to be fitted with a taximeter installed by an approved taximeter installer. The taximeter fitted in a Hackney Carriage

will be sealed and calendar controlled to the current tariff as set by Blaby District Council.

- 7.66 Blaby District Council uses Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (LGMP Act 1976) to fix the maximum fares for Hackney Carriages.
- 7.67 A Hackney Carriage cannot charge more than the metered fare for a journey within the District of Blaby irrespective of how that was arranged (hailed or pre-booked).
- 7.68 Before the start of a hiring for a journey which ends outside the district, agreement can be made to pay an amount which can be more or less than the metered fare. The fare must be agreed before the commencement of the journey and if no agreement is made only the metered fare can be charged.
- 7.69 Hackney Carriage drivers, can when working, offer a discount on the metered fare (within or outside the district) as long as the fare agreed is less than the metered fare set by the Council.
- 7.70 The Council may review Hackney Carriage fare scales when requested by a Hackney Carriage proprietor/s. The Council will follow the appropriate procedures detailed in the LGMP Act 1976 in respect of consultation and publication of any variation to the fares.
- 7.71 A table of authorised fares will be provided to each Hackney Carriage licence holder. This must be displayed at all times in each vehicle so that it is easily visible to all hirers.

### **Conditions of Licence**

- 7.72 The Council is empowered to attach such conditions to a Private Hire or Hackney Carriage vehicle licence as are considered reasonably necessary. All Private Hire and Hackney Carriage vehicle licences will be issued with the Private Hire or Hackney Carriage vehicle licence conditions attached.

### **Non-Standard Private Hire Vehicles (Limousines, Novelty Vehicles and Vintage and Classic Cars)**

- 7.73 Stretched limousines are non-standard elongated saloon vehicles (often imported from countries like the United States) and are increasingly used to undertake mainstream Private Hire work. The work of a stretch limousine generally includes all Private Hire work plus special occasions such as days at the races, stag/hen parties and children's birthday parties.
- 7.74 A novelty vehicle is a vehicle that has been specially adapted or converted by a low volume specialist vehicle manufacturer or modifier and has been specially modified from its original design or specification.

- 7.75 Due to the nature of the work undertaken by limousines and novelty vehicles, both can be licensed for Private Hire work providing they carry no more than eight passengers and meet the requirements of the Act.
- 7.76 This Council requires that all limousines and novelty cars are licensed if they undertake Private Hire and/or special occasion work. In addition to the requirements for a standard Private Hire vehicle, the Council will require the following:
- (i) there are no more than 8 seats provided for customers and there is no facility for seats to be added after the licence has been granted.
  - (ii) proof of an Individual Vehicle Approval (IVA) test.
  - (iii) DVSA MOT certificate every 6 months.
- 7.77 Classic and vintage cars will be exempt from the age restrictions relating to standard Private Hire vehicles so long as they meet the relevant criteria to be licensed as a Private Hire vehicle.
- 7.78 All applications to licence stretched limousines, or novelty vehicles for Private Hire work will be treated on their own merits. It is, however, proposed that as many stretched limousines and novelty type vehicles are imported, that these vehicles will be granted an exemption from the requirement to be right hand drive and from the age restrictions relating to standard Private Hire vehicles.
- 7.79 Once granted, limousines, novelty vehicles, classic and vintage cars will automatically receive an exemption from displaying the external and internal licence plate. The letter of exemption and both the licence plates should be always carried in the vehicle at all times.
- 7.80 For the avoidance of doubt, any vehicle capable of being licensed as a standard Private Hire vehicle would not be considered a novelty vehicle.
- 7.81 Under the Licensing Act 2003 it is an offence to provide facilities for the sale of alcohol within a limousine, or novelty vehicle. If the limousine is to be provided and part of the booking includes “free alcohol”, the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence issued under the Licensing Act 2003.
- 7.82 A criminal offence would be committed if the sale and supply of alcohol were to go ahead without a relevant authorisation being in place. Further information on the requirements of the Licensing Act 2003 can be obtained from the Licensing Department.

## **8. PRIVATE HIRE OPERATORS**

### **Requirements and Obligations**

- 8.1 Any person who operates a Private Hire service using one or more Private Hire vehicles must apply to the Council for a Private Hire Operator’s licence.

- 8.2 A Private Hire Operator must ensure that every Private Hire vehicle operated by them, has a current Private Hire vehicle licence and is driven by a person who holds a current Private Hire driver's licence, and that the vehicle is fit for purpose before being used to fulfil a booking. The Operator must ensure that all drivers of a licensed vehicle are named on the insurance policy in place for that vehicle.
- 8.3 An Operator must also be able to demonstrate what steps they are taking to ensure that any licensed driver or member of staff remains a fit and proper person. The Operator shall be able to demonstrate that they are taking steps to ensure that all Private Hire vehicles operated by the Operator remain fit for purpose to continue to hold a Private Hire vehicle licence.
- 8.4 All three licences; Private Hire Operator's licence, Private Hire driver's licence and Private Hire vehicle licence must be issued by the same Council.
- 8.5 Sub-contracting to other Operators licensed by this Council and other Council's is permitted under the Act. It is advised that when sub-contracting work (bookings) the Operator takes steps to ensure that the Operator to whom the booking is sub-contracted is licensed along with the driver and vehicle dispatched to carry out the sub-contracted booking. The Operator must be able to demonstrate that he has taken steps to ensure that the Operator, vehicle, and driver are licensed.
- 8.6 Applications for a Private Hire Operator's licence must be made on the prescribed form, together with the appropriate fee. The Council will decide whether the applicant is a fit and proper person to hold an operator's licence.
- 8.7 Applicants for an Operator licence must provide proof that planning permission has been obtained, or that it is not required for the location they wish to licence before an application will be considered.
- 8.8 All Operator Licences will be issued for the applied time period as stated in the fees and charges scheme. An Operator's licence may be issued for a lesser period if an authorised Officer of the Council deems it appropriate in the circumstances of the case or the applicant has a time-limited right to work in the UK.
- 8.9 Applicants must specify the address from which they will operate, and records can be inspected.
- 8.10 If an Operator wishes to change the base from which they operate they will be required to submit a new application.

### **Criminal records**

- 8.11 Private Hire Operators, that are not licensed drivers, cannot be required to produce an enhanced DBS disclosure. To satisfy the public safety objective, the



Council will require a basic disclosure certificate or a certificate of good conduct from the relevant embassy where the applicant has lived overseas for more than six continuous months. The certificate must be less than one month old and be submitted with the application form. Applicants that hold a current Private Hire driver's licence with the Council will be exempt from this requirement.

- 8.12 A basic disclosure certificate will be required annually from any Operator who is not a licensed Private Hire driver.
- 8.13 A basic disclosure certificate will also be required annually from any person with managerial responsibility for the day-to-day operation of the business, if they are not a licensed Private Hire driver.
- 8.14 If the Operator is a limited company, a basic disclosure certificate will be required from all directors and partners of the company on initial application and on an annual basis if these individuals are not a licensed Private Hire driver. It is a requirement that the Council is notified of any change of director and/or partner within a company in order that a basic disclosure certificate can be obtained from any new individuals. If any of the individuals are not fit and proper to hold a Private Hire Operator's licence, then the licence may be referred to the Private Hire and Hackney Carriage Sub-Committee for consideration.
- 8.15 If the Operator employs any ancillary staff to take bookings in person or over the telephone or to dispatch any bookings, a register of all staff that will take bookings or dispatch vehicles must be kept. A basic disclosure certificate will be required from all members of staff who take bookings or dispatch vehicles. These members of staff have access to information about customers that needs to be protected by way of ensuring that the people in these positions do not impose an undue risk to the public and are not liable to be exploited by criminals. The register of members of staff must be updated by the Operator when someone joins or leaves the Operator's employment. A basic disclosure certificate should be obtained and provided to the Council on request.
- 8.16 An Operator must produce and maintain a policy on employing ex-offenders in roles that are required to be on the register at 8.16 above.

### **Right to work**

- 8.17 All applicants will be required to submit proof of right to work on initial application. A list of acceptable documents can be found on the Council's website. If an applicant is not able to provide proof of right to work, then they will not be permitted to apply for a Private Hire Operator licence.
- 8.18 If the right to work is for a limited period then the licence will only be issued up until the expiry of the right to work. The licence holder will be required to submit a renewal application if they wish to continue to work as a Private Hire Operator

after this date. Proof of their right to work will be required as part of the renewal application.

8.19 If a licence holder's right to work is withdrawn at any time, the licence holder is required to notify the Council immediately. In addition, the Home Office will notify the Council that the right to work has been withdrawn. If the right to work is withdrawn, then the Private Hire Operator licence will lapse. It is an offence to work as a Private Hire Operator without a valid Private Hire Operator licence.

### **Safeguarding and CSE awareness**

8.20 Operators and/or those persons responsible for the day-to-day management of the business must:

- a) provide a safe and suitable service to vulnerable passengers of all ages;
- b) recognise what makes a person vulnerable; and
- c) understand how to respond, including how to report safeguarding concerns and where to get advice.

8.21 The Council requires all Operators to undertake safeguarding awareness training. The training will be provided by the Council's approved training partner and will cover the topics of safeguarding and CSE awareness. The cost of the training is to be paid directly to the provider by the applicant.

8.22 For newly licensed Operators, training must be completed within 6 months of being licensed. Any operator who fails to meet this requirement may have their driver's licence suspended until the training is completed.

8.23 Every licence holder will have to complete safeguarding refresher training every three years. An application to renew an operator licence will not be determined until the refresher training has been completed. A copy of the certificate confirming that the training has been completed must be submitted with the renewal application.

### **Insurance**

8.24 Where an applicant has indicated that members of the public will be allowed to enter the bookings office/waiting area, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed before a Private Hire Operator's licence can be granted.

### **Bases outside the Blaby District Council Area**

8.25 The Council may grant a Private Hire Operator's licence for an Operator with an operating base that is outside Blaby District.

### **Renewal of Operator's Licence**

- 8.26 The council has no duty to notify Operators that their licence is due for renewal. It is the licence holder's responsibility to renew their licence.
- 8.27 Renewal applications and associated paperwork can be submitted electronically via email to [licensing@blaby.gov.uk](mailto:licensing@blaby.gov.uk) by post or in person, before the licence has expired. Payment should be made either by cheque or by telephone to the Licensing team.
- 8.28 Applicants are advised that renewals can take up to five working days to process once all paperwork has been submitted.
- 8.29 Once the date of expiry of an existing licence has passed and a valid renewal application has not been received, the licence automatically expires. Expired licences cannot be re-instated. A new licence application will be required.

### **Conditions**

- 8.30 The Council has power to impose such conditions on a Private Hire Operator's licence as is reasonably necessary. All Private Hire Operators' licences will be issued with the Private Hire Operator's licence conditions attached.

## **9. ENFORCEMENT**

- 9.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the Private Hire and Hackney Carriage trade.
- 9.2 The Council will adhere to the Corporate Enforcement Policy and Associated Guidance to ensure that its enforcement is reasonable, transparent, and proportionate.

## **10. FEES**

### **Fee Structure**

- 10.1 The legislation provides that the fees charged should only cover the cost of administering the Private Hire licence scheme. This will include the cost of determining and issuing the licences and ensuring compliance with the relevant legislation and conditions attached to the relevant licences.
- 10.2 The fees currently payable for the grant and renewal of licences are set out on the Council's website. The fee structure is reviewed annually as part of the Council's budgetary process.

### **Refunds and Duplicate Copies**

- 10.3 In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, the Council may make a refund in respect of the

whole months of the unexpired portion of the licence fee less an appropriate administrative charge.

10.4 Any request for a refund must be made in writing/email and the licence, plate and badge returned to the Council.

10.5 In the case of a licence that has been suspended or revoked, no refund will be made by the Council.

10.6 Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will be paid to cover the associated administrative costs.

## **11. AMENDMENTS TO THE POLICY**

11.1 Any substantial amendment to this Policy will only be implemented after further consultation with the trade and the public. All substantial amendments must be authorised by the Elected Members of the Licensing and Regulatory Committee, or its equivalent Policy Committee.

11.2 For the purpose of this section, any substantial amendment is defined as one that:

- will have a significant financial impact on licence holders or the public, or
- will have a significant procedural impact on licence holders or the public, or
- may not be perceived by the trade or the public to be consistent with the published objectives detailed in this Policy.

11.3 Any minor amendment to this Policy may be authorised by the current Group Services Manager and approved by the Chairman of Licensing and Regulatory Committee or its equivalent Policy Committee For the purpose of this section, any minor amendment is an amendment not defined as substantial in section 11.2 of this Policy.

## **12. RIGHT TO APPEAL**

12.1 The Local Government (Miscellaneous Provisions) Act 1976 details an applicant's right of appeal.

12.2 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, or refuse to renew a licence, or the Council's decision to suspend or revoke a licence, the applicant has a right of appeal to the local Magistrates' Court.

12.3 Any appeal must be lodged at the Magistrates' Court within twenty-one days of the applicant receiving written notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

### 13. CONTACT DETAILS

Should you wish to contact the Licensing department, please contact:

By post:

Licensing  
Blaby District Council  
Council Offices  
Desford Road  
Narborough  
Leicester  
LE19 2EP

By telephone:

0116 272 7782

By email:

[Licensing@blaby.gov.uk](mailto:Licensing@blaby.gov.uk)

## APPENDIX A

### **Policy for assessing Convictions for determining the Fitness and Propriety of applicants.**

This policy aims to provide guidance to any person with an interest in Public and Private Hire licensing. In particular, but not exclusively:

- Applicants for Operators' licences
- Existing licensed Operators whose licences are being reviewed/renewed
- Licensing Officers
- Members of the Hackney Carriage and Private Hire Regulatory Committee (or other relevant decision-making body)
- Magistrates hearing appeals against local authority decisions
- Police Officers

Thereby providing transparency and consistency, in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

Where Licensing Officers have delegated powers to grant or refuse licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Hackney Carriage and Private Hire Regulatory Committee (or other relevant decision-making body). Whilst Officers and the Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, they may depart from these guidelines.

#### **1. General**

1.1. For the purposes of this Policy, a conviction is defined as:

- A sentence imposed by a Court;
- A formal caution;
- A fixed penalty notice;
- Community resolution.

1.2. It should be noted that for the purposes of this policy convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.

1.3. This Policy is the baseline for acceptability and it shall only be departed from in exceptional circumstances. Where it is appropriate for the Council to depart from this policy, clear and compelling reasons will be given for doing so. The purpose of this policy is to formulate guidelines, consistent with national guidance, which detail the Council's position on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing

licences, for Private Hire driver and Operator licences. As the Council has the power to suspend or revoke a licence this policy will also relate to the consideration of convictions and/or cautions received during the course of a licence.

- 1.4. In all the cases, the Council will consider the conviction or behaviour in question and the weight that should be attached to it. Each case will be determined on its own merits having regard to this Policy.
- 1.5. The Local Government (Miscellaneous Provisions) Act 1976 states that the Council may grant a licence only if it is satisfied that the applicant is a 'fit and proper' person.
- 1.6. 'Fit and proper' means that the individual (or in the case of a Private Hire Operator's licence, the limited company together with its directors and secretary, or all members of a partnership) is 'safe and suitable' to hold the licence.
- 1.7. In determining safety and suitability, the Council is entitled to take into account all matters concerning the applicant/s and are not only concerned with that person/s behaviour whilst working in the Hackney Carriage or Private Hire trade.
- 1.8. It is important to recognise that matters which have not resulted in a criminal conviction, (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 1.9. Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.
- 1.10. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 1.11. The overriding consideration will be the protection of the public and all other matters, including unemployment, shall be secondary to the public safety factor.
- 1.12. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

## **2. Crimes resulting in death**

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

## **3. Exploitation**

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

## **4. Offences involving violence against the person**

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

## **5. Possession of a weapon**

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

## **6. Sexual offences**

- 6.1. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

## **7. Dishonesty**

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

## **8. Drugs and Alcohol**

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



- 8.2. If an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are no longer using controlled drugs.
- 8.3. An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of a licence.
- 8.4. In addition, the applicant will normally be required to show a period of five years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

## **9. Discrimination**

- 9.1. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **10. Motoring Convictions**

- 10.1. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
- 10.2. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a Hackney Carriage or Private Hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## **11. Drink driving/driving under the influence of drugs**

- 11.1. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## **12. Using a hand-held device whilst driving**

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

## **13. Hackney Carriage and Private Hire motoring convictions and offences**

13.1. Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or Private Hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **14. Reapplication**

14.1. Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of 3 years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later.

## APPENDIX B

### 1. Whistle Blowing

- 1.1. This policy relates to the reporting of allegations of illegalities or wrong doings in the Hackney Carriage/Private Hire trades regulated by Blaby District Council's licensing service.
- 1.2. Such reports may be considered as "whistleblowing" and there exists legislation to protect such individuals in certain circumstances. You will be considered a whistle-blower if you're a worker and you report certain types of wrongdoing, so as an employed Private Hire driver for example, this will usually be something you've seen at work.
- 1.3. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.
- 1.4. Private Hire and Hackney Drivers or others in the trade can raise any concerns with Blaby District Council directly. Any information will be treated confidentially, taken seriously, and appropriately investigated.
- 1.5. A licensed driver or other person employed in the Hackney Carriage and Private Hire trade may choose to contact Blaby Licensing anonymously by submitting evidence, along with any other relevant details, via [licensing@blaby.gov.uk](mailto:licensing@blaby.gov.uk). In these cases a reporter may lose their whistleblowing law rights.
- 1.6. As such we would encourage any person aware of wrong doings in the trade occurring in Blaby District, to report the matter to Blaby Licensing service with their full details to enable officers to ask for further information and attain the best evidence possible. Reporters will not have a say in how the concern is dealt with but can be kept updated as far as confidentiality rules allow. In these circumstances where the reporter makes it clear at the outset, that they do not want anyone else to know it was them who raised the concern, then reports will be treated confidentially and we will do all we can to ensure details of the reporter will not be released.
- 1.7. Employed individuals might be able to benefit from the protections in whistleblowing legislation depending on their status and way of working. If an individual is unsure if they are protected, independent advice should be sought, for example from Citizens' Advice. More information is available on the Government's website – [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing)
- 1.8. An employer may also have a whistleblowing policy and in this case any person with a concern to raise should also review their policy in deciding a course of action. Blaby District Council Licensing do not require Private Hire Operators to have a specific policy on whistleblowing but do encourage the adoption of such policies. Larger organisations are likely to have a policy covering whistleblowing in relation to their employees.
- 1.9. In all cases if a crime is being or has been committed, drivers and others should report this to the Police either by calling 999/101 or making a report after the event to Leicestershire police.

1.10. Where employees of Blaby District Council have any concerns about the legal and correct application of legislation or policy in respect of regulating the Private Hire or Hackney Carriage trade, or generally about the licensing function, Blaby District Council has an internal confidential reporting policy available at:

iBlaby - Documents, Forms, Policies – Human Resources – Whistleblowing Policy to enable confidential reporting, investigation and response.