

## EAST LINDSEY DISTRICT COUNCIL

### HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENSING POLICY

#### 1. Introduction

1.1.1 East Lindsey District (the Licensing Authority) is responsible for the licensing of hackney carriage vehicles (taxis) and hackney carriage drivers, and private hire vehicles, private hire drivers and private hire vehicle operators.

1.1.2 This document sets out the policy that this Licensing Authority will apply when making decisions about new driver licence applications, licence renewal applications, and driver licences currently in force. It provides prospective licence applicants with clarity and a consistency of approach in the decision making process.

1.1.3. It should be noted that this policy will not override the right of any person to make a licence application, as each case will be considered on its own merits and according to the statutory requirements of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other associated legislation.

1.1.4 The Council has delegated to its Officers the authority to consider and determine applications for licences, subject to the criteria set out in this policy document. The Council's scheme of delegation operates in such a way that if there is any doubt, in an Officer's mind as to whether a licence should be granted, then that licence application should be forwarded to the Council's Licensing Committee (consisting of Councillors) for determination. Please note that Officers can refer an application to the Licensing Committee at any time for determination.

1.1.5 It should be noted that because the Licensing Committee does not meet on a weekly basis, there may necessarily be a delay between the initial licence application and the grant or refusal in the case where the licence application is referred to the Committee.

1.1.6 An applicant will be given an opportunity to make representations, either in writing or orally at a meeting of the Council's Licensing Committee. Any representations will be given full consideration prior to a decision being made in respect of the application.

1.1.7 Further detailed information regarding the Authority's application procedures is available by contacting the Council's Licensing Team.

1.1.8 When issuing driver licences the Council's overriding concern is the protection and promotion of public safety. This involves a number of important aims and objectives including:

- Protecting vulnerable persons and children from harm, sexual abuse and trafficking.
- Ensuring the safety and health of customers, other road users and licensed drivers.
- Protecting customers from financial harm.
- Ensuring that licence holders are fit and proper persons to hold a licence.
- Ensuring that licence holders do not pose a threat to customers or members of the public.
- Ensuring that the public are safeguarded from dishonest persons.

- Making decisions about licence applications, and licences in force, in a consistent and fair way.

1.1.9 When undertaking the hackney carriage and private licensing function, this Authority will seek to promote the following objectives:

- The protection of the public;
- The establishment of professional and respected hackney carriage and private hire trades;
- Access to an efficient and effective public transport service;
- The protection of the environment;
- Improved disability access and awareness.

1.1.10 Drivers and operators of hackney carriage and private hire vehicle services can be an important partner in safeguarding. They are in a unique position of being alone with numerous members of the public on a daily basis, and of being able to observe and receive information about many different locations both within and outside of the East Lindsey District. While regulating hackney carriage and private hire services the Council wishes to support the trade to be seen as professional and respectable, and as a competent resource which recognises and practices the protection it can provide to vulnerable persons and children.

1.1.11 Similar factors mean that licensed drivers can also be ambassadors for the East Lindsey District through their interaction with businesses, visitors and tourists. The high standards required through this policy are intended to support them in this role and the business advantages it can bring.

1.1.12 Hackney carriage and private hire vehicle services are an important part of the Lincolnshire transport system since they provide accessible 'on-demand' services which other transport providers do not.

## **1.2. Fit and Proper**

1.2.1 The Council must not grant a driver licence unless it is satisfied that the applicant is a fit and proper person to hold a driver's licence. This document contains guidance for Council Officers and the Council's Licensing Committee on the way in which a driver licence applicant's fitness should be considered. However, it is important to note that every licence application must be treated on its own merits, and the contents of this policy document do not bind the Council, its Officers or the Licensing Committee. Decisions may be made that depart from the guidance herein, if the circumstances of the application warrant doing so. Any decision will be accompanied by full reasons for that decision.

1.2.2 It is noted that no attempt is made within the legislation to define the term "fit and proper person", and this policy document likewise makes no attempt to formulate such a definition. The Council may consider any relevant issue when making its determination on this point, and these guidelines should be regarded as examples of issues that may lead to the Council not being satisfied that an applicant is fit and proper, rather than an exhaustive list of the issues that may be taken into consideration.

1.2.3 The Council may fail to be satisfied that a person is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence of good character is not available or if there is good reason to question or doubt the evidence produced, then that in itself could amount to good reason to refuse a licence application.

1.2.4 A licence applicant who does not satisfy these guidelines will not necessarily be barred from obtaining a licence. The Council will consider each case on its own merits, taking into account any relevant circumstances or mitigating factors. Regard will be had when making a determination to any positive comments and references evidenced with the licence application.

1.2.5 The onus is on an applicant to satisfy the Council that they are 'fit and proper'. Simply being free from convictions is not enough. Licence holders must remain 'fit and proper' to retain their licence.

1.2.6 The overriding consideration in compiling and interpreting these guidelines is the safety of the public. The Council has a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse, assault or take advantage of passengers.

1.2.7 These policy guidelines may be taken into account by the Council when dealing with any of the following matters:

- an application for a new hackney carriage driver's licence (Section 46, Town Police Clauses Act 1847 and Section 59, Local Government (Miscellaneous Provisions) Act 1976)
- an application for a new private hire driver's licence (Section 51, LG(MP)A 1976)
- an application to renew a private hire or hackney carriage driver's licence (Sections 51, 59 and 61, LG(MP)A 1976)
- a proposal to suspend or revoke a hackney carriage or private hire driver's licence (Section 61, LG(MP)A 1976)

1.2.8 Although Section 61 of the 1976 Act does not contain the same reference to a "fit and proper person", the fact that such action may be taken due to "any other reasonable cause" will generally lead the Council to include similar guidelines in its considerations under that section. Any references in this document to the refusal of an application should therefore be read to include suspension or revocation of a licence.

1.2.9 Any person refused a driver's licence on the grounds that the Council is not satisfied that they are not a fit and proper person to hold a licence (or where a licence was suspended or revoked, as the case may be) has a right of appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

1.2.10 Information provided by applicants will be treated in confidence and will only be utilised by the Council to determine whether the applicant is a fit and proper person to hold a hackney carriage or private hire driver's licence for the purposes of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

1.2.11 This policy document has been drawn up with regard to the Department of Transport's "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)", and in accordance with Government advice contained in Department of Transport Circular 2/92 and Home Office Circular 13/92.

### **1.3 Character and Licensing History**

1.3.1 This heading is a particularly wide ranging one, but can be summed up generally as the Council will require applicants and licence holders to conduct themselves appropriately and honestly in their dealings both with the public and with the Council.

1.3.2 Although the Council will not seek character references in most cases, any other information may be taken into account, should the Council deem it relevant to the application in question.

1.3.3 Where an applicant has previously held (or currently holds) a licence, whether issued by East Lindsey District Council or another Licensing Authority, information about the applicant's conduct under the previous licence(s) may be taken into account in considering a licence application. This may include details of any complaints made against the applicant, warnings given to the applicant by Officers and/or the Licensing Authority, or records of adverse conduct by the applicant towards members of the public, other licence holders, or Officers. If there is a substantial negative history of such issues, a licence application will generally be refused.

1.3.4 In addition to considering the outcomes of any individual legal actions, warnings or convictions for the above-mentioned issues, the Council may also draw appropriate inferences from repeat incidents or patterns of such issues which may not necessarily have resulted in formal action.

1.3.5 If an application has previously been refused (or a licence revoked), then any further applications made within the period of 24 months from the date of refusal (or revocation) will generally be refused. If the grounds for revocation or refusal are particularly serious, then this period may be extended at the discretion of the Council.

1.3.6 Knowingly or recklessly making a false statement in, or in connection with, a licence application is likely to result in that application being refused. In addition, as such conduct may constitute a criminal offence under Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976, legal action may, in some circumstances, be taken against the applicant.

1.3.7 Where an existing licence holder is under an obligation to provide information to the Council and has failed to meet this obligation, it shall be open to the Council to investigate the reason for this failure, and to draw appropriate inferences. Where the failure related to a particularly serious matter, refusal of an application to renew the licence may be warranted.

1.3.8 Where an applicant is required to complete the Council's communication or topographical knowledge tests, any attempt at cheating in that test is likely to result in their application being refused. Cheating in this context may include, but is not limited to, copying another applicant's answers, disruptive behaviour during the test, utilising any non-permitted papers or devices (unless consent has previously been given for their usage), or otherwise trying to gain an unfair or improper advantage.

1.3.9 Issues relating to criminal convictions are addressed later in this policy document and in the Council's conviction guidelines. However, the Council will pay particular attention to any convictions for offences with a public safety element.

1.3.10 Where appropriate this Authority may take into consideration issues of non-compliance with other regulatory regimes.

## **1.4 Safeguarding Matters**

1.4.1 Licensing Authorities must consider the need to protect children and vulnerable adults from sexual exploitation when undertaking licensing functions. Further information, regarding the Council's safeguarding policy, can be found on this Authority's website at:

[www.e-lindsey.gov.uk/safeguarding](http://www.e-lindsey.gov.uk/safeguarding)

1.4.2 The policy indicates that safeguarding is everyone's responsibility and that this Authority will work to promote people's welfare and protect them from harm. The policy indicates that Councillors and everyone working for this Authority has a role to play in identifying safeguarding concerns and taking prompt action when issues are identified.

1.4.3 Safeguarding Training for Taxi and Private Hire Vehicle Drivers - Training to promote awareness of safeguarding issues for children and vulnerable persons is considered to be an important part of understanding the role and responsibility of a licensed driver. With this in mind the Council has made the online taxi and private hire vehicle safeguarding training, provided by the Lincolnshire Safeguarding Children Board (LSCB), a mandatory requirement for all hackney carriage drivers, private hire vehicle drivers and private hire vehicle operators licensed with this Authority.

1.4.4 All first time applicants for a licence will be required to successfully undergo the relevant online courses prior to their licence being granted. Applicants must provide evidence that they have successfully completed the following required safeguarding courses:

- Introduction to Safeguarding Everyone in Lincolnshire – Protecting Children, Young People and Adults at Risk
- Taxi Drivers Child Sexual Exploitation e-learning course

The purpose of the online LSCB courses is to increase and raise awareness, amongst licensed drivers and private hire operators, of all aspects of the safeguarding requirements for both children and vulnerable adults.

## **2.1 Parallel Procedures and Other Miscellaneous Matters**

2.1.1 The statutory and practical criteria and qualifications for a private hire driver are similar to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire vehicle and hackney carriage drivers unless indicated.

2.1.2 Applicants are reminded that original documents should be submitted with a driver licence application to the Licensing Authority. Faxes and photocopies of criminal record certificates and pass certificates are not normally acceptable.

2.1.3 Licence Applications – Cash Payments: This Authority no longer accepts cash for the payment of licence application fees. This is in line with the Council's policy of seeking to reduce cash payments to the Authority and encourage other forms of payment (e.g. debit or credit card).

2.1.4 Proof of National Insurance Number: The Council requires all applicants to produce documentary evidence of their National Insurance Number. The following are examples of documentation, which we can accept as proof of a National Insurance Number:

- A recent payslip;
- A recent Benefit Statement (e.g. Child Allowance, Pension Statement);
- Any recent documentation from the Department for Work and Pensions;
- A recent P45, P60 or any other documentation from HM Revenue and Customs.

Original documentation must be provided - photocopies cannot be accepted. Alternatively applicants may wish to contact the National Insurance Contributions Office on the website:

[www.gov.uk/government/publications/national-insurance-getyour-national-insurance-number-in-writing-ca5403](http://www.gov.uk/government/publications/national-insurance-getyour-national-insurance-number-in-writing-ca5403)

This office may be able to send a letter to the applicant confirming his / her National Insurance Number.

### **3.1 Licences**

3.1.1 Separate driver's licences must be held in respect of driving hackney carriage and private hire vehicles. However, for clarity and in order to reduce administrative burdens this Authority normally issues dual licences to drive both hackney carriage and private hire vehicles – unless of course the applicant does not achieve the specific licensing criteria for a specific class of licence (for example, see Paragraph 3.3.3 of this policy document). In making this decision regarding dual licences, the Council recognises that many drivers are self-employed and so issuing dual driver's licences, in respect of both hackney carriage and private hire vehicles, will aid the operation of a successful business.

3.1.2 The maximum period for which the Authority can grant a driver's licence is 3 years. With this in mind this Authority will normally grant driver's licences for a maximum period of 3 years but the Authority can and will grant licences for a lesser period if deemed appropriate.

3.1.3 The law requires any applicant for a driver's licence to have held a full UK driving licence (or legal equivalent) for at least 12 months. This Authority will not normally regard the applicant to be sufficiently mature or experienced unless he/she has held a full UK driving licence (or legal equivalent) for at least two years and is aged at least 19 years. Applications will normally be refused if this requirement is not satisfied.

3.1.4 Applicants will be required to produce their current, full driving licence for inspection, with their application, bearing the applicant's current home address. The Council will also carry out a separate check of an applicant's entitlement to drive in the UK via an appropriate verification agency. Applicants will be required to sign a consent form for this check as part of their licence application.

3.1.5 In order to be licensed as a hackney carriage or private hire vehicle driver, an applicant must hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA). In addition, to the above the Licensing Authority will require all hackney carriage and private hire vehicle drivers who hold an EC/EEA driving licence to have a GB counterpart document. Any individual making an application for a hackney carriage or private hire vehicle driver's licence will be required to obtain a GB counterpart prior to the issue of a licence.

3.1.6 When licence holders apply for a counterpart they will be registered with the DVLA and allocated a GB driver number. Any driving convictions and endorsements subsequently incurred by the licence holder in the UK will be recorded by the DVLA. Having a GB counterpart benefits drivers by allowing them to take part in the fixed penalty system for road traffic offences rather than having to attend court and incur a greater penalty as well as costs. In addition, if a driver loses or has his/her national driving licence stolen, they would probably not be able to get a duplicate from the country it was issued in. However, once registered with the DVLA they will be able to apply for a GB licence.

3.1.7 Currently licensed hackney carriage or private hire vehicle drivers who hold an EC/ EEA licence will be required to obtain a GB counterpart when they apply to be re-licensed. If a licensed driver cannot obtain a GB counterpart before their existing licence expires, the new licence will be issued on condition that a GB counterpart is obtained and produced to the Licensing Authority within 3 months.

3.1.8 In order to obtain a UK counterpart, the applicant must be resident in the UK. Any driver who is unable to satisfy this requirement may be licensed on condition that a UK counterpart is obtained within 3 months of the hackney carriage / private hire driver licence being issued.

3.1.9 Where a driving licence shows an entitlement to drive in the UK that is valid for less than 3 years, a licence may, at the discretion of the Council, be issued to expire upon the end of that entitlement. An application to renew the licence would need to be accompanied by evidence of the renewed entitlement to drive in the UK.

3.1.10 Driving licence endorsements are covered in this Authority's convictions guidelines. However, should a hackney carriage / private hire driver licence holder be disqualified from driving during the validity of a licence, either following a serious offence or under the 'totting-up procedures', the Council will generally look to suspend or revoke the licence(s) held by that person.

3.1.11 Licence applicants will be required to demonstrate that they have a statutory right to live and work in the UK and any applicant that has a limited right to work will not be issued a driver licence for a period longer than that limited period. We will follow the general advice given by the UK Border Agency, available at:

[www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/](http://www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/)

in ascertaining this status. A licence will not be granted to an applicant who is not entitled to work in the UK. It shall be incumbent upon an applicant to produce such official documentation as to demonstrate such an entitlement. This requirement shall apply equally to British, EEA and non-EEA nationals. Copies of right to work documents produced will be retained.

3.1.12 Once we have made the appropriate 'right to a licence check' we will not normally need to make another relevant 'right to a licence' check – unless there are specific restrictions on an individual's right to work in the UK (e.g. a limit on the time that an individual may work and remain in the UK).

3.1.13 Any applicant for a new or renewal licence will be required to complete an application form and a statutory declaration and formally confirm any convictions, spent or otherwise, at the time of application or each renewal of their private hire vehicle or hackney carriage driver's licence. These forms ask for any time spent abroad and any convictions imposed in the UK or abroad. All the applicant's current criminal convictions must be entered onto these forms, including spent convictions and cautions (for further information see Section 3.9 of this policy document). It is an offence to knowingly or recklessly make a false statement or to omit information required by the Licensing Authority (Section 57 of the 1976 Act refers).

3.1.14 An Enhanced Disclosure from the Disclosure and Barring Service must be produced on first licence application. For further information see Section 3.7 of this Policy document.

3.1.15 Where an applicant has resided in the UK for less than 5 years, or has spent a period of 3 months or more within the last 5 years as a non-resident, this Authority will require a certificate of good conduct, obtained at the applicant's own expense, authenticated by the relevant Embassy or Police Authority of the country of residence. For further information see Section 3.9 of this Policy document.

### **3.2. DVLA Driving Licence Mandate**

3.2.1 All applicants are required to complete a DVLA Driving Licence Mandate, authorising the Council's Licensing Team to access the DVLA database, in order to verify an applicant's driving licence record and status. The fee for the DVLA licence check will be incorporated into the Council's driver licence application fee.

### **3.3 Communications Test and Topographical Knowledge**

3.3.1 In order to assist the Authority in determining the fitness of an applicant to hold a hackney carriage or private hire vehicle driver's licence, new applicants will be required to undertake a communications test to challenge their understanding of the English language and numeracy, and a test to challenge their knowledge of the rules and regulations relating to hackney carriage and private hire driving, legislation, bylaws and licence conditions. The communications test must be successfully completed prior to the issue of a driver's licence.

3.3.2 Hackney carriage drivers need a good working knowledge of the area for which they are licensed, because they can be hired directly at ranks or on the street. The Authority also considers it necessary for private hire drivers to know the area. Whilst at present this Authority does not require applicants, seeking a singular private hire vehicle driver's licence, to successfully undergo a topographical knowledge test it reserves the right to introduce such a test if it considered appropriate to do so at a later date. Before deciding whether to introduce such a test for private hire drivers the Authority will consult with all interested parties.

3.3.3 Hackney Carriage Driver Knowledge Test: In order to assist the Council in determining the fitness of an applicant to hold a hackney carriage driver's licence such applicants will also be subject to a knowledge test of the area within the District of East Lindsey and to some smaller extent the wider Lincolnshire area.

3.3.4 Applicants will be allowed three attempts to pass the knowledge test. After three failed attempts the application will be deemed unsuccessful and they will have to wait 12 months before making a further driver licence application. Applicants will have to wait 2 weeks between knowledge test dates.

3.3.5 The applicant will be invited to sit the knowledge test once the approved payment has been made to the Licensing Authority. The knowledge test will form the initial part of the hackney carriage driver application process and until the applicant has successfully satisfied this part of the process no further part of the hackney carriage driver licence application will be considered.

3.3.6 This driver knowledge test requirement shall apply to all new hackney carriage driver applicants. Current hackney carriage driver licence holders will not be required to sit the knowledge test providing that they renew their licences promptly, ahead of the expiry date. Where a licence holder allows their current driver licence to expire East Lindsey District Council will require a new hackney carriage driver licence application to be made, such application will be subject to the driver communication and knowledge test provisions.

3.3.7 The knowledge test will consist of 20 questions aimed at covering the areas detailed in paragraph 3.3.3 of this policy document. The test will be administered in exam like conditions. The pass mark will be 16 out of 20. There will be a pool of questions we will draw from dependent on where in the East Lindsey District the applicant proposes to work.

3.3.8 The above Hackney Carriage Driver Knowledge Test section of this policy document will come into force on 22 June 2021.

### **3.4 Driving Proficiency – Lincolnshire Road Safety Partnership (LRSP) Hackney Carriage / Private Hire Driving Test Assessment**

3.4.1 Driving competency is an important part of being a safe and successful licensed driver.

3.4.2 The Lincolnshire Road Safety Partnership (LRSP) has developed a specific hackney carriage and private hire vehicle driving test assessment. The Council has adopted the LRSP assessment as a requirement for all new applicants for hackney carriage and private hire vehicle driver's licences. The cost of the test will be at the applicant's own expense. In addition, the Council may require any existing hackney carriage or private hire vehicle drivers to undergo the test, where there are serious concerns as to the fitness of a driver to hold a licence due to driving problems. Further information in relation to the LRSP assessment (including cost and booking arrangements) is available from the Licensing Team.

3.4.3 The LRSP assessment grades drivers as high, medium and low risk. This Authority requires drivers to achieve the low risk rating on the driving assessment.

3.4.4 Applicants can make a driver's licence application to this Authority at the same time as they provide evidence that they have booked the LRSP assessment. If the LRSP assessment is then not passed within 16 weeks of submitting the licence application to the Council the driver's licence application will normally be refused.

3.4.5 LRSP pass certificates can be accepted for up to 3 years from the date of issue for all new applicants to this Authority who have worked as a taxi or private hire driver previously in another Licensing Authority's area. In all other cases LRSP pass certificates will only be accepted for up to one year from the date of issue.

3.4.6 The advantages expected to accrue from the adoption of the LRSP assessment include increased driver and passenger confidence as well as better professional image and customer care. In adopting LRSP as its provider of driver assessments this Authority recognises the LRSP as a respected local organisation which works in partnership with this Authority's regulatory partners (e.g. Lincolnshire Police, Lincolnshire County Council and Lincolnshire Fire and Rescue) in order to promote road safety in Lincolnshire. The LRSP was set up with the aim of reducing the number of people killed and injured on Lincolnshire's roads. It is a multi-agency partnership which brings together road safety professionals from:

- Lincolnshire County Council
- Lincolnshire Police
- Lincolnshire Fire & Rescue
- East Midlands Ambulance Service
- Highways England
- Lincolnshire Magistrates

3.4.7 The grant of a LRSP pass certificate will not automatically give the holder a right to obtain a driver licence with this Authority and licence applications will still be subject to the Council's other normal licensing procedures.

3.4.8 In addition to the LRSP assessment the Council may also use of the hackney carriage and private hire driving assessments developed by the Blue Lamp Trust, Diamond Advanced Motorists and Green Penny (and other similar organisations), where it is considered appropriate to do so.

### **3.5 Driver Qualification**

3.5.1 This Authority believes all passenger transport drivers, whose role demands high standards in driving and customer service, would benefit from a nationally recognised qualification. These would cover customer care - including how best to meet the needs of people with disabilities and other sections of the community - and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict.

3.5.2 At present this Authority does not require newly licensed or existing hackney carriage and private hire vehicle drivers to attain a vocational qualification. However, the Council reserves the right to review such requirements, following proper consultation, at any appropriate time in the future.

3.5.3 Licence applicants are encouraged to attain a Vocational Related Qualification in Transporting Passengers by Taxi and Private Hire – for example, the Certificate in Road Passenger Vehicle Driving NVQ (Taxi and Private) Level 2.

### **3.6 Medical Suitability**

3.6.1 In line with best practice guidance the Council requires hackney carriage and private hire driver licence holders to attain the Driver and Vehicle Licensing Agency (DVLA) Group 2 Vocational Licence Medical Standard. This is the same medical standard as that applied to lorry and bus drivers.

3.6.2 As detailed above applicant's will be expected to satisfy the current medical standards of fitness to drive for Group 2 licences, as set by the DVLA, and the Council's medical certificate will be drafted around these standards, requiring the medical practitioner to state whether the applicant meets the DVLA Group 2 medical standard for vocational drivers. A summary of these standards can be viewed on the GOV.UK website at: [www.dft.gov.uk/dvla/medical/ataglance.aspx](http://www.dft.gov.uk/dvla/medical/ataglance.aspx)

3.6.3 The medical examination form supplied by this Authority must be completed by the applicant's own General Practitioner, or by another suitably qualified medical practitioner who has had access to the applicant's medical records / history covering a minimum period of at least six years.

3.6.4 The specific form issued by this Authority is available from the Licensing Team and on the licensing area of the Council's website.

3.6.5 Medical certificates will be requested upon first application, and at six-yearly intervals (on application to renew the licence) thereafter until the licence-holder reaches the age of 65. From the age of 65, a licence-holder will be required to submit completed medical certificates annually, on the anniversary of the grant of the most recent licence. Licences will still be issued for a three year period (unless otherwise requested by the applicant, or in the absence of another limitation that causes the Council to issue a shorter duration licence), but failure to submit the medical certificate annually may lead the Council to suspend or revoke the licence.

3.6.6 Applicants aged 65 years or over will be requested to sign an undertaking that they will undergo the annual Group 2 medical examination. Alternatively in some circumstances the Council may consider granting annual driver licences (rather than a 3-year licence) to an individual applicant aged 65 years or over with any renewal application being subject to a Group 2 medical examination

3.6.7 In certain instances, and in line with the DVLA Group 2 guidance, a driver's medical condition may warrant examination on a more regular basis than the normal 6 yearly period for drivers under 65 years of age.

3.6.8 Where the medical practitioner has stipulated that they do not consider the applicant to be medically fit, in accordance with the Group 2 standards, to drive hackney carriage or private hire vehicles, the Council will generally refuse the licence application.

3.6.9 Where the medical practitioner has recommended that further monitoring of a particular condition or examinations are undertaken in a certain period, it shall be open to the Council to consider granting a licence for a shorter period commensurate with that recommendation, or to

require additional medical certificates to be submitted at more frequent intervals than would otherwise be required.

3.6.10 The Council will not normally accept a certified medical certificate submitted with a licence application which is received more than 2 months after the Doctor has signed the report.

3.6.11 This Authority recognises that in some instances the Medical Practitioner may wish the eye test section of this Authority's medical form to be undertaken by an optician.

3.6.12 Licence holders should advise the Authority of any deterioration in their health that may affect their driving capabilities. For the avoidance of doubt, the following medical conditions should be notified to the Council as soon as reasonable practicable; however, this list is not exhaustive:

- Any heart-related condition;
- Diabetes (Type 1 or Type 2);
- Epilepsy;
- Sudden attacks of giddiness or fainting;
- Conditions causing excessive daytime sleepiness such as sleep apnoea;
- Alcohol or drug dependency;
- Double vision or uncorrected vision disorder;
- Mental or psychological disorders; or
- Any other condition that may affect the ability to drive.

3.6.13 Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a Medical Doctor appointed by the Authority. Alternatively, the Authority may require an applicant to undergo a course of action - for example, requiring him / her to undergo an independent medical assessment and screening (at his / her own expense) in order to show that he /she is free of drug use or alcohol abuse. The assessment to be undertaken within a set period to be determined by the Council.

3.6.14 In relation to drug testing this Authority will seek a hair follicle drug test. The main difference between a hair follicle drug test and a urine drug test being the window of detection. A urine drug test is used to test for drug use over the three days preceding the test. A hair follicle drug test is the drug test that can detect repeated drug use up to 90 days prior to the test.

3.6.15 Where there remains any further doubt about the fitness of any applicant, the Council's Licensing Committee will review the medical evidence and make any final decision in light of the medical evidence and advice available.

3.6.16 No licence will be issued until medical clearance (if required) has been established.

3.6.17 Diabetes Managed by Insulin - Whilst diabetes managed by insulin is not a barrier to vocational driver licensing, there are steps that an applicant will need to undertake before this Authority will be in a position to grant a driver's licence. In line with the DVLA Group 2 guidelines an applicant must be able to produce a specified medical statement from a diabetic consultant and a statement from himself / herself. The required statement, which must be completed by both a diabetic consultant and the applicant, is available from the Council's Licensing Team. The evidence must state that the applicant uses a blood sugar measuring machine which keeps a three-month

record of results. If an applicant is unable to produce a satisfactory certified statement then he/she will be viewed as unfit to hold a driver's licence with this Authority.

3.6.18 Drivers with diabetes managed by insulin, that have been certified as medically fit to be licensed, will be granted a one-year driver's licence - with a new insulin statement being required with each annual renewal application

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

3.7.1 A minimum of an Enhanced Disclosure through the Disclosure and Barring Service (DBS) will be required by this Authority in relation to hackney carriage and private hire vehicle driver licensing. This level of check is considered appropriate as a licensed driver may be left in sole charge of passengers under 18 years of age or other vulnerable adults, at any time and without prior knowledge

3.7.2 The Authority is an approved DBS body. Applicants must deal with the DBS through the Authority and will be charged an appropriate fee for the criminal record check. Before the application for a driver's licence can be considered, the applicant must apply for the Enhanced DBS Disclosure of criminal convictions through the Licensing Section of East Lindsey District Council. The fee for the DBS Disclosure will be incorporated into the Council's driver licence application fee.

3.7.3 This Authority requires all licensed drivers to subscribe to the DBS Update Service and to maintain the annual subscription. Licensed drivers will need to retain their DBS Certificate once they have subscribed as the Certificate will be linked to the update service.

3.7.4 An Enhanced DBS shall be undertaken upon application and all licensed drivers will at that point be required to subscribe to the DBS Update Service within the specified DBS timescale of receiving their DBS Certificate. Every year thereafter, Officers of the Council's Licensing Team will undertake an online check of the DBS Update Service in order to check the applicant's current status. Depending on what is revealed from the online status check, the Council may require an additional DBS check to be undertaken.

3.7.5 All licensed drivers will be required to renew their subscription to the DBS Update Service on an annual basis, before their current subscription ends, should they wish to continue to hold a driver's licence with this Authority. Where an individual fails to maintain and/ or renew their subscription before it ends; they will be required to apply for a new Enhanced DBS Check and register for the Update Service again. In cases where this is not maintained or undertaken this Authority will normally consider suspension or revocation of the driver's licence.

3.7.6 A criminal record check on a driver/licence applicant is seen as an important safety measure. The East Lindsey District is predominately a rural area with limited public transport options. Vulnerable adults and persons under 18 regularly use hackney carriage and private hire vehicles as a means of transport. The logistics of the area are such that these journeys will often be in the early hours of the morning or late at night and be unsupervised. Parents, guardians, schools and welfare organisations regularly use licensed vehicles as a means of transporting persons under 18.

3.7.7 Furthermore, legislation is such that when waiting on a taxi rank a hackney carriage driver is unable, without reasonable cause, to refuse a hiring from a person under 18. When plying for hire hackney carriage drivers are, therefore, not in a position to decline hirings from young persons.

3.7.8 The majority of hackney carriage and private hire hirings will be unsupervised, placing the driver in a position of trust. When entrusting young persons and vulnerable adults to the care of licensed drivers, the public expect those drivers to have been through rigorous checking procedures. They expect the licensing system to ensure a high level of protection. For these reasons the Council are of the opinion that an Enhanced Level of DBS Disclosure is required.

3.7.9 The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire vehicle drivers licences. In considering a driver licence application, the Authority may refer to all convictions, including those that would normally be regarded as spent. When considering applications where a spent conviction is revealed this Authority will consider the relevance of the offence – for example:

- the class of offence;
- the age of the offence;
- the apparent seriousness of the offence, and,
- anything the applicant wishes to say in relation to the conviction.

The Authority will only consider spent convictions, if after considering all relevant matters, the Authority is of the opinion that the conviction is of relevance to the licence application at hand. For further information see Section 3.8 of this policy document.

3.7.10 The Authority is bound by rules of confidentiality, and will not divulge information obtained from the DBS report to any third parties. The applicant for a DBS disclosure will receive the disclosure report at their home address – the Council will not receive a separate copy of the report. The applicant must present his/her copy of the DBS Disclosure to this Authority for scrutiny. This Authority is likely to refuse a licence application where the DBS Disclosure is not presented in a timely manner.

3.7.11 Information arising from disclosures will be kept on file only for as long as necessary.

3.7.12 The DBS Code of Practice requires that all registered bodies must have a written policy on the correct handling and safekeeping of DBS certificate information. In order to meet this requirement this Authority has adopted the policy statement shown at **Appendix A** of this document.

3.7.13 Portability of Enhanced DBS Disclosures: For an Enhanced DBS application under the post applied for to this Authority of Taxi Licence (Hackney Carriage / Private Hire Vehicle Driver) the eligible DBS checking criteria which this Authority may use with the DBS is: Other Workforce - Child and Adults Barred List Check. For school transport contracts, such as those provided by the Transport Services Group of Lincolnshire County Council, the eligible checking criteria which must be used by the County Council is: Child Workforce - Child Barred List Check. These are different levels of Enhanced Disclosure undertaken against different activity types. There is no eligibility for a disclosure application for contract driving to request a Child and Adults Barred list check.

3.7.14 With this in mind this Authority recognises that Enhanced DBS certificates obtained for a Lincolnshire County Council School Transport Badge cannot be used for the purpose of obtaining a hackney carriage or private hire driver licence with this Authority. There is no portability of such disclosures between the two roles. A separate DBS check is required for each authorisation. However, applicants can register both this Authority's and the County Council's DBS checks with the DBS update service.

### **3.8 Relevance of Convictions, Cautions, Driving Licence Endorsements, etc.**

3.8.1 When submitting an application for a licence to drive a licensed vehicle, applicants are required to declare any convictions (including traffic convictions), cautions or fixed penalty notices for public order offences they may have, including those normally regarded as "spent" under the Rehabilitation of Offenders Act, 1974. The information applicants give will be treated in confidence and will only be taken into account in relation to their licence application.

3.8.2 The Council has adopted guidelines relating to the relevance of convictions and cautions and each case will be decided on its own merits. The Council's convictions and caution guidelines are available on the Council website ([www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)). New licence applicants may also contact a Senior Officer of the Licensing Team to discuss what effect a conviction or caution might have on their application. Convictions involving dishonesty, indecency, violence or disqualification from driving are those most likely to result in a licence not being issued.

3.8.3 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority will consider each case on its merit. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a Disclosure from the DBS, an approved Council Licensing Officer will assess whether any or all of the convictions, and any additional information received, is capable of having real relevance to the issue of whether or not the applicant can be considered a fit and proper person to hold a licence. Applications will be forwarded for consideration by the General Licensing Committee (consisting of Councillors) as appropriate.

3.8.4 Hackney carriage and private hire vehicle drivers are exempt from the requirements of the Rehabilitation of Offenders Act 1974 (The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 refers). Therefore, where appropriate, the Licensing Authority can refer to relevant convictions no matter how long ago the conviction took place. However, the Council will generally only take such convictions into account if they are considered to be of particular relevance to the application in question or of an especially serious nature, or if there is some other cause to believe that the applicant cannot be considered to be 'rehabilitated'.

3.8.5 Cautions - whilst adult cautions are not regarded as convictions, they are admissions of guilt and may be taken into consideration by the Licensing Authority. When considering applications where cautions are revealed, this Authority will consider the relevance of the caution (e.g. the class of offence, the age of the offence, the apparent seriousness of the offence and anything the applicant wishes to say at the licensing hearing). The Authority will only consider cautions, if after considering all relevant matters, the Authority is of the opinion that the caution is of relevance to the licence application.

### **3.9 Checks on Applicant's who have resided outside the UK**

3.9.1 DBS disclosures will not include details of any foreign convictions, unless the conviction has been recorded on the UK Police National Computer. With this in mind the following procedure has been adopted to enable the Council to properly consider a licence application, where an applicant has resided outside the UK for a significant period.

3.9.2 Applicants for a drivers licence will be required to declare whether within 5 years of the date of licence application they have at any time lived or worked outside the UK for a continuous period exceeding 3 months. Applicants who answer in the affirmative will be required to obtain a certificate of good conduct (or similar document) from the country in which they resided. Further information is available from the Licensing Team.

3.9.3 It shall be the applicant's responsibility to obtain such documents, and to pay any associated fees. This requirement is in addition to the DBS disclosure. Where an applicant is unable to obtain the above, they must give a statement outlining the reasons for this, and provide references to the satisfaction of the Council from appropriate individuals or bodies as to their conduct in the country. However, in such cases the Council reserves the right to refuse the licence application if it considers that it has not been persuaded that the applicant is a fit and proper person to hold a licence.

### **4. Application Procedure – Drivers Licences**

4.1.1 An application for a hackney carriage or private hire vehicle driver's licence shall be made on the Council's specified application form. The application procedure is available by contacting the Licensing Team.

4.1.2 Non Disclosure or Misrepresentation - Every applicant must be honest when producing information in connection with a licence application. Any applicant who provides false information or fails to provide information may find his/her application refused, or if a licence is granted that licence may be revoked or suspended. The applicant may be prosecuted also.

4.1.3 Renewal of Drivers Licences - Driver licence holders will normally be reminded in the 12 weeks preceding their expiry when their licences are due to be renewed. Completed application forms, appropriate fees, and any supporting documentation, must be submitted at the time of application. Licences cannot be renewed following their expiry.

### **5. Conditions of Licence**

5.1.1 The conduct of hackney carriage drivers is controlled by byelaws. A copy of the current byelaws can be found in the driver's guidance booklet issued by this Authority to prospective, new and existing drivers. Hackney carriage drivers and proprietors must at all times comply with the byelaws. The Authority is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire vehicle driver's licence as are considered necessary.

5.1.2 The Authority considers that the conditions of licence as set out in **Appendix B**, of this policy document, are reasonable, necessary and appropriate for all licensed private hire vehicle drivers.

### **6. Convictions, Cautions, etc. – Licence Holders**

6.1.1 Where offences, leading to conviction or a police caution, are committed by licensed drivers, it is important - in the interests of consistency and transparency - that a procedure is in place to consider what effect this should have on their licence.

6.1.2 Drivers, who are convicted of any criminal or motoring offence or issued with a police caution during the currency of their licence, must disclose the conviction and the penalty imposed to the Authority within seven days of conviction.

6.1.3 If a licensed driver ceases to have a valid DVLA driving licence then their hackney carriage or private hire vehicle driver's licence will normally be revoked by this Authority.

6.1.4 The Council generally considers that, on some occasions, offence(s) committed by licensed hackney carriage and private hire drivers may need to be considered more seriously than offences committed by individuals when not licensed. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.

6.1.5 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 serious consideration to be given to the suspension or revocation of their licence.

6.1.6 Convictions, police cautions and breaches of legislation, licence conditions, byelaws and of this Licensing Policy, by licence holders, will be dealt with in accordance with this Authority's Licensing Enforcement Policy and the Council's Corporate Enforcement Policy. A copy of the Licensing Enforcement Policy is available by contacting the Council's Licensing Team.

## **7. Driver Code of Conduct and Dress Code**

7.1.1 Anything that serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers, is to be welcomed. This includes drivers dressing in smart casual / appropriate clothes. It is considered that in order to raise the profile of the licensed trade, drivers should operate at all times in a professional manner and dress so as to present a professional image to the public.

7.1.2 Hackney carriage and private hire vehicle drivers are in a position of trust in respect of the safety and welfare of their passengers. Not only children, but all passengers carried in taxis and private hire vehicles have a legitimate expectation that they are in the company of a safe driver. In addition, the Council has an obligation to ensure that drivers are informed of the standards of behaviour expected and must, without delay, take appropriate action should a safeguarding issue arise.

7.1.3 With this in mind the Council has adopted a Code of Conduct for licensed drivers. The purpose of the code is to not only advise drivers of their expected conduct, with respect to safeguarding and equalities, but also to raise safeguarding awareness and encourage drivers to report suspicions of abuse, neglect or exploitation and to give the drivers details of who to report such concerns to.

7.1.4 The standards expected, by this Authority, of licensed drivers are set out in the Code of Good Conduct, included in this policy document at **Appendix C**.

7.1.5 Failure to comply with any aspect of the Code of Good Conduct may result in appropriate enforcement action being undertaken by this Authority. In addition, breach of the Code of Conduct will be an indicator which the Authority will use to help decide upon subsequent enforcement action. This may result in advice or warnings being given by an Authorised Officer of the Council. Repeated breaches following such advice or warnings may lead to more serious consequences including, if necessary, non-renewal of a licence, suspension or revocation of licences.

7.1.6 Common sense will prevail when enforcing the code; its main purpose will be a tool to assist drivers and the Council's Licensing Committee regarding what is and is not acceptable behaviour by a licensed driver.

7.1.7 When applying for the grant of a driver licence, applicants must complete, and submit to the Licensing Team, an acknowledgement of the Code of Conduct.

## **8. Penalty Point Scheme, Complaints, etc.**

8.1.1 Where a number of previous complaints have been made against a driver, these may be taken into account, even if they did not result in formal action at the time. Similarly, a pattern of relatively minor complaints may be indicative of an underlying problem, which may be considered by the Council during its determination of a licence application and the review of the status of an existing licence.

8.1.2 This Authority has adopted a Penalty Point Scheme in relation to the licensing of drivers, operators and proprietors. The aim of the penalty points scheme is to work in conjunction with other enforcement options that are available to the Authority. The scheme provides a formalised, stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver and operator behaviour and conduct, so as to ascertain whether an individual is a fit and proper person to hold a licence. The scheme does not prejudice the Authority's ability to take other forms of compliance or enforcement action. A copy of this Authority's Penalty Point Scheme can be found on the licensing area of the Council's website.

## **9. Test Purchasing / Mystery Shopper Exercises**

9.1.1 This Authority may undertake covert test purchasing exercises in order to check compliance with the legal responsibilities placed on licensed drivers. In particular, this Authority may make use of such exercises to check compliance with the responsibilities placed on drivers with regard to disabled persons under the Equality Act 2010.

## **10. Wheelchair Accessible Vehicles**

10.1.1 East Lindsey District Council operates a mixed fleet of saloon and wheelchair accessible hackney carriage vehicles. The aim of this policy is to ensure that wheelchair users can reasonably access public transport, particularly where the use of a bus is not a realistic option.

10.1.2 Licensed drivers have an implicit duty of care when transporting any passenger in their vehicle and this is particularly important when that person is more vulnerable than a person without disabilities

10.1.3 Drivers of vehicles, designated under the Equality Act 2010 to carry a passenger seated in a wheelchair, have several duties under the Act which are:

- To carry a passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- To carry the wheelchair in the vehicle if the passenger chooses to sit in a passenger seat;
- To ensure the passenger is carried in safety and comfort;
- To provide appropriate mobility assistance to enter or exit the vehicle including to load any luggage and/or wheelchair.

10.1.4 It is this Council's view that the requirement not to charge a wheelchair user extra means that a taximeter should not be left running whilst the driver performs duties required by the 2010 Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment.

10.1.5 Drivers can apply for an exemption from the requirement to provide physical assistance to the passenger and this Authority has adopted a specific policy in relation to the exemption application process. Further information, regarding the exemption process is available on the licensing area of the Council's website under the section entitled: Hire Vehicles – Equality Act 2010.

10.1.6 At present there is no specific requirement by this Authority for licensed drivers to undergo a wheelchair passenger assessment prior to gaining a licence with this Authority. However, at a later date, this Authority may look at requiring all drivers (both new and existing) to successfully undergo a wheelchair loading assessment before driving a wheelchair accessible hackney carriage or private hire vehicle. However, if a driver has access to a wheelchair accessible vehicle, then he/she is advised to undergo specific wheelchair loading training now rather than waiting until a later date.

## **11. Disability Awareness Training**

11.1.1 At present this Authority does not require newly licensed or existing hackney carriage and private hire vehicle drivers to undergo specific Disability Awareness Training. However, the Council reserves the right to review such requirements, following proper consultation, at any appropriate time in the future.

## **12. Policy Review**

12.1. The Policy Statement will remain in existence until superseded and will be subject to review and further consultation before the end of 2024. However, following consultation, the Council may make revisions to it as deemed necessary before the 2024 date.

22 June 2020

## **APPENDIX A**

### **EAST LINDSEY DISTRICT COUNCIL – LICENSING TEAM**

#### **Handling of Disclosure and Barring Service (DBS) Certificate Information**

##### **Secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information**

The DBS code of practice requires that all registered bodies must have a written policy on the correct handling and safekeeping of DBS certificate information.

In order to meet this requirement the Licensing Service of East Lindsey District Council has adopted the following policy statement.

#### **POLICY STATEMENT**

##### **General Principles**

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for hackney carriage and private hire vehicle licences, East Lindsey District Council complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

##### **Storage and Access**

Certificate information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

##### **Handling**

In accordance with Section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

##### **Usage**

Certificate information is only used for the specific purpose for which it was requested (i.e. applications for hackney carriage and private hire vehicle driver licences) and for which the applicant's full consent has been given.

**Retention**

Once a relevant decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

**Disposal**

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the licensing decision taken.

## **APPENDIX B**

### **Private Hire Vehicle Driver Licence Conditions**

The following conditions will attach, pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act"), to all private hire vehicle driver licences issued by East Lindsey District Council, unless a specific exemption has been granted by the Authority. The attachment of these conditions does not affect the Council's entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

1. When acting as the driver of a private hire vehicle in accordance with this licence, the badge issued by the Council must be worn in such a position and manner as to be plainly and distinctly visible.
2. All reasonable precautions must be taken to ensure the safety of persons conveyed in or entering or alighting from the vehicle and you must behave in a civil and orderly manner to passengers at all times.
3. When the licensed vehicle has been hired to be in attendance at an appointed time and place you must, unless delayed by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
4. A greater number of persons than that specified on the vehicle licence issued by the Council must not be conveyed in the vehicle at any one time.
5. When so requested by any person hiring the carriage, you must:
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any station or place at which you may take up or set down such person.
6. As soon as is practicable after the termination of any hiring, the vehicle must be carefully searched and any property accidentally left therein shall, if not sooner claimed by the owner, be taken within 24 hours to a local Police Station and left in the custody of the officer in charge of the station.
7. The holder of this Licence must not drive a licensed private hire vehicle when, because of employment during the day or night, or for any other cause, the passengers in the vehicle are likely to be put at risk through the fatigue of the driver.
8. Any change of place of residence must be notified to the Council within 7 days of such change and this Licence must be produced for amendment.
9. The holder of this licence is required to carry free of charge in their Private Hire Vehicles Assistance Dogs as defined in Regulation 3 of the Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000 unless a certificate of exemption has been issued by the Council.

Applicants aggrieved by any of the conditions attached to this licence, including both these standard conditions and any further conditions imposed in response to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with Sections 52 and 77 of the 1976 Act.

### **Standard of Dress**

N.B. The following section regarding standard of dress is for guidance only - Drivers should be dressed in a clean, tidy and decent manner at all times whilst acting as a private hire driver; the wearing of shorts is not recommended. In addition, drivers are asked to observe the following minimum standard of dress:

(a) Male drivers at all times to wear trousers which may include jeans, provided they are clean and tidy and a collared shirt with at least elbow length sleeves.

(b) Female drivers at all times to wear trousers which may include jeans provided they are clean and tidy, or a knee length dress with at least elbow length sleeves or a knee length skirt with a blouse with at least elbow length sleeves.

## **APPENDIX C**

### **EAST LINDSEY DISTRICT COUNCIL - CODE OF CONDUCT**

#### **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS**

Hackney Carriage and Private Hire Vehicle Drivers (referred to in this Code of Conduct as drivers) are in a position of trust in respect of the safety and welfare of their passengers.

The Licensing Authority, through its Licensing Team and Licensing Committee, has to ensure that all hackney carriage and private hire drivers are 'fit and proper' to undertake their work as licensed drivers. It is essential that the Council and drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

On occasions, drivers may become aware of, or have suspicions that, a passenger may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of becoming a victim. In addition, drivers themselves may be accused of misconduct or inappropriate behaviour through the misinterpretation of the driver's actions or conversation.

Therefore, East Lindsey District Council has adopted this Code of Conduct which is aimed at providing the best possible service by protecting both passengers and drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the driver being referred to the Council's Licensing Committee (consisting of Councillors) to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the code does not over-ride any legislative requirements, licence conditions or contractual obligations, such as Lincolnshire County Council school and social service contracts under the County Green Badge scheme.

Drivers must carry their Council taxi / private hire driver licence photo ID at all times, and wear it in accordance with the conditions of the licence.

#### **Drivers should:**

- Act in a professional manner at all times
- Treat passengers and other road users with respect
- Keep relationships with passengers on an appropriate, professional basis
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity, pregnancy/maternity and marriage/civil partnership

**And be aware of:**

- The safety and well-being of passengers being paramount
- The importance of the use of appropriate language
- The vulnerability of children and persons with special needs
- Any instruction given about the care or first aid requirements of a passenger
- Possible caution required when dealing with passengers in distress
- Personal beliefs and standards, including dress and religion
- Passengers misreading situations
- The use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a driver's site. *Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites*

**Drivers must remain professional at all times and should never:**

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism
- Touch a person inappropriately
- Behave in a way that may make a passenger feel intimidated or threatened
- Attempt to misuse customer's personal details obtained via the business
- Give assistance with medication unless a specific and detailed request has been made by the hirer
- Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office (*# see note below regarding CCTV in licensed vehicles*)
- Engage with passengers who are children or vulnerable adults\* through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games
- Phone or send text messages to passengers other than directly concerning the hiring of your vehicle
- Make offensive or inappropriate comments (such as swearing or sexualised or discriminatory language).
- With regard to children offer or accept sweets or gifts of any sort.
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer
- Show passengers inappropriate videos or pictures on your mobile phone or any other electronic device.

*# The installation and operation of CCTV in taxis and private hire vehicles must comply with the requirements of the Information Commissioner's CCTV Code of Practice. The code of practice can be found on the ICO website: [www.ico.org.uk](http://www.ico.org.uk).*

**\*Vulnerable Adults:**

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example. Also, an individual should be considered vulnerable even if they do not fall within the description above, but their condition is such as to make them more susceptible to harm than may otherwise be the case (for example, being under the influence of alcohol).

- Children and vulnerable adults travelling alone must occupy the rear seats of the vehicle. Under no circumstances should a child or vulnerable adult travelling alone occupy the front seat of a taxi or private hire vehicle unless so authorised or agreed by a parent, guardian, care worker or other similar person or body.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council
- Drivers should always ask if a vulnerable passenger needs help, and should not make assumptions

**Safeguarding:**

If a driver has concerns or suspects abuse, neglect or exploitation of a passenger then these should not be ignored. If there are any suspicions or concerns about the way someone is being treated it is important to report it to the appropriate authority. The safeguarding of children and vulnerable adults is everybody's responsibility. Remember that your information could help a vulnerable child or adult.

If a driver is working under a Lincolnshire County Council contract then those procedures set out in the Driver and Passenger Assistant Pack should be followed alongside any training received by the driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have of anyone being subject to abuse, neglect or exploitation:

**Action to be taken if you have concerns:**

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on 999 or 112.
- If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent nature, please call the Lincolnshire Safeguarding Customer Service Centre on 01522 782111 for children or 01522 782155 for adults.
- If you would prefer to speak to the police on a non-urgent matter then call them on 101 and follow the directions for Lincolnshire Police.

*Code of Conduct Last Revised December 2015*

**Contact Details for the Licensing Team**

The Licensing Section, East Lindsey District, Tedder Hall, Manby Park, Louth, LN11 8UP.

If you wish to call into the Offices to speak to someone from the Licensing Team we advise that you ring first and make an appointment.

Email: [licensing@e-lindsey.gov.uk](mailto:licensing@e-lindsey.gov.uk)

Phone: 01507 601111

Web: [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)