

East Lindsey District Council – Licensing Team



A Guide for Private Hire Vehicle Drivers and Proprietors

July 2017

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1. General Matters

Introduction

This guide is intended to advise and assist applicants and licence holders on the law relating to the operation of private hire vehicles and to the administrative procedures involved in the application for a licence. The guide is not exhaustive and reference should also be made to the following legislation:

Legislation	Abbreviation
Town Police Clauses Act, 1847	TPCA
Local Government (Miscellaneous Provisions) Act 1976	LG(MP)A
Transport Act, 1985	TA

N.B. Where relevant, in the guide, the source of the law is given in the above abbreviated form.

Copies of the conditions attached to licences are printed on the licences and in this guide.

Correspondence

All correspondence should be addressed to the Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP.

Loss of Licence

This should be reported immediately to the Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP.

Driver's Badge

Photographs for a driver's badge must be a true likeness, in colour, showing the full face, with no hat, helmet or sunglasses and be taken against a light background.

Lost or Stolen Driver's Badge

This should be reported immediately to the Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP. Upon receipt of a small charge and passport sized photograph, a duplicate badge can be issued.

Lost or Stolen Vehicle Plate

This should be reported immediately to the Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP. Upon receipt of the hire of plate charge, a new plate (possibly with a new number) will be issued.

Personal Visits to the Licensing Office

If you want to visit the Council's Tedder Hall Offices and talk in person to a member of the Licensing Team you should telephone first and arrange an appointment. We are sorry but we can not guarantee to see you if you call into Tedder Hall without an appointment.

The hours normally offered for appointments are as follows:

- Monday to Thursday 9.30am until 12pm and then 2pm until 4pm.
- Friday 9.30am until 12pm and then 2pm until 3.30pm.

We may in some limited circumstances be able to make appointments outside the above hours. However, this will not always be the case.

Please note the Offices are not open on Saturdays, Sundays and Public Holidays.

Collection of Driver's Badge and Licence

The Licensing staff will not normally hand driver's badges and licences to third parties.

Telephone Enquiries to Licensing Office

Telephone enquiries should be made by telephoning (01507) 601111 and asking for the Licensing Team.

E-Mail: licensing@e-lindsey.gov.uk

Public Information

Licence holders are advised that some of their personal details will form part of the Public Register of Licence Holders. For further information contact the Licensing Team.

2. Applications

Fees and Charges

All fees and charges are payable in advance and not normally refundable once the licence applied for has been issued.

Full details of all current fees and charges are available from The Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP.

Cheques and Postal Orders should be made payable to EAST LINDSEY DISTRICT COUNCIL and crossed.

Any licence issued on payment by a cheque, which is not honoured by the Bank, may be considered invalid.

Please note that we no longer accept cash for the payment of licence application fees. Cheques should be made payable to East Lindsey District Council. The Licensing Team is able to provide facilities for licence payments by credit and debit cards. Further information on payment by credit or debit card is available by contacting the Licensing Team direct.

You are advised to obtain an official receipt for all monies paid.

Where an applicant is refused a licence, the fee previously paid is normally refunded (less any DBS Disclosure and DVLA Data Subject Enquiry Fees), unless the applicant appeals against refusal. If any appeal succeeds the fee will be taken; if the appeal fails the fee will be refunded LESS any costs, which have been awarded by the Court.

Forms of Application etc.

All forms, etc., are available from The Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP.

A number of forms (in addition to guidance literature) are also available on the Council's website (www.e-lindsey.gov.uk).

Licence Renewal Reminders

All licence holders will normally be sent a reminder and the necessary forms of renewal in advance of expiry of the licence.

Please note, however, that the responsibility for renewal rests with the licence holder. Reminders are sent purely as a courtesy.

Those drivers who undertake school contract hirings for Lincolnshire County Council are reminded of the need to keep their badge with this Authority up to date. When applying for renewal of their driver's licence with this Authority they should apply in plenty of time so that the renewal application has been determined before the East Lindsey badge expiry date. If the renewal application has not been determined before the expiry date then the County Council will not allow you to drive on school contracts.

When submitting an application for renewal of a Private Hire Driver's Licence, applicants should note that a new driver's licence will not be issued until all the necessary checks (including DBS and DVLA checks) have been completed. The Council, therefore, recommend that all applicants submit renewals in respect of Drivers Licences at least 28 working days before the expiry of the current licence.

Personal Attendance

Applicants may be required to attend the Licensing Office in person.

Identity of Applicants

The Council will make every effort to confirm the identity of all applicants. Verification of identity, date of birth, address, NI number and any change of name will be obtained. Applicants for a Private Hire Driver's Licence should refer to Appendix D of this document and any guidance literature for information regarding the proof of identity required.

Production of U.K. Driving Licences

Applicants for a Private Hire Driver's Licence should note that UK driving licences (or legal equivalent) must be produced.

Medical Examinations – Private Hire Drivers

All applicants making their first application must lodge a certified medical certificate. A medical certificate will then be required:

- up to 65 years of age - once every 6 years
- on attaining the age of 65 years - annually

In certain instances an applicant's medical condition may warrant examination on a more regular basis.

Any fee charged by the Doctor is payable by the applicant. The examination must be carried out by a Medical Practitioner who has full knowledge of the applicant's medical history.

Medical certificate forms and further information can be obtained from the Licensing Office. As recommended by the Medical Commission on Accident Prevention the Council requires licence holders to attain DVLA Group 2 Vocational Licence Standard.

The Council will not normally accept certified medical certificates submitted with an application which are received more than 2 months after the Doctor has signed the report.

Convictions

When submitting an application for a licence to drive a licensed vehicle, applicants are required to declare any convictions (including traffic convictions) or cautions they may have, unless they are 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 application.

Applicants should be aware that the Council will require applicants to apply for an Enhanced Criminal Records Disclosure from the Disclosure and Barring Service (DBS). The Disclosure will reveal the existence and content of any criminal record or relevant information held in the name of an applicant. Checks will also be made with the Driver and Vehicle Licensing Agency (DVLA). Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained on manual and computer record(s) for no longer than is necessary. Any information received may be used in court proceedings.

It is the general policy of the Council to only request a DBS Disclosure on initial applications and renewal applications thereafter. Exceptionally, the Council may request an additional Disclosure:

- i. in any case if serious allegations are made against a driver, or
- ii. in any case where previously unrevealed information comes to light and the Licensing Officer is satisfied that the information cannot be verified in any other way.

The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the Authority considers that the convictions render(s) him/her unsuitable. In making this decision the Authority will consider the nature of the offence, how long ago and the age of the applicant when it was committed and any other factors which may be relevant.

The Council has adopted guidelines relating to the relevance of convictions and each case will be decided on its own merits. The Council's guidelines are set down in Appendix C of this document.

Applicants may contact 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.

Please Note: By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendments) Order 2002 private hire drivers are now exempt from the requirements of the Rehabilitation of Offenders Act 1974.

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 application refused, or if a licence is granted that licence may be revoked or suspended. The applicant may be prosecuted also.

Right to a Licence Check

In line with the requirements of the Immigration Act 2016 the Council must check that all driver and operator licence applicants are permitted to work in the UK. With this in mind when you make your first licence application, you must make it in person at the Council's Tedder Hall Offices and present:

- Your UK Passport, or
- Your UK birth certificate, together with an official document giving your name and National Insurance number, or
- Your European Economic Area Country or Switzerland Passport

You must make an appointment with the Licensing Team for the above check to be undertaken.

We will not be in a position to accept and process your licence application unless you comply with the above requirements.

Once we have made the appropriate 'right to a licence check' we will not 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).

Checks on Applicant's who have Resided Outside the UK

Applicants for a drivers licence will be asked 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.

Appeals

Any applicant refused a driver's licence, a vehicle licence and/or an operators licence has a right of appeal to a Magistrate's Court.

Disability and Equality Awareness Training

All holders of a hackney carriage or private hire vehicle driver's licence may be required to attend a disability and equality awareness training course arranged by the Licensing Authority. Further information is available from the Licensing Team.

English/Comprehension Test (including a basic test relating to the understanding of taxi and private hire licensing)

All new applicants with East Lindsey District Council for a hackney carriage or private hire vehicle driver's licence must successfully complete a combined English / comprehension test and a basic test relating to the understanding of taxi and private hire licensing before a licence can be granted. The cost of the test and any subsequent first retest (at the time of the first licence application) will be included in the Council's standard licence application fee. Any subsequent retest (after the first retest) will be charged to the applicant at a cost of £10.00 per test. The charge of £10.00 to be paid to the Licensing Authority before the applicant sits the test.

Lincolnshire Road Safety Partnership (LRSP) - Hackney Carriage / Private Hire Driving Test Assessment

The LRSP has developed a Hackney Carriage / Private Hire Driving Test Assessment. The LRSP assessment is 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 will require any existing hackney carriage or private hire vehicle drivers to undergo the assessment, 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.

Drivers must be judged as a 'low risk driver' by the LRSP.

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 be refused.

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.

What is Taxi and Private Hire Work Like?

The Licensing Team has drafted a short leaflet detailing the type of work a licensed driver will undertake. Copies of the leaflet are available direct from the Licensing Team.

Safeguarding Training for Hackney Carriage and Private Hire Drivers

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.

All first time applicants for a licence will be required to successfully undergo the relevant online courses prior to their licence being granted.

Further information in relation to the online courses is available from the Licensing Team.

What further training and development can I do?

Currently you do not need any specific qualifications or training to become a taxi or a private hire driver

Once you are working as a licensed driver, you can complete the NVQ Level 2 in Road Passenger Transport, specialising in taxi or private hire work. The Council are currently considering whether the NVQ should be made obligatory for all licensed drivers or perhaps just newly licensed drivers.

You could also take the BTEC Level 2 Certificate in Transporting Passengers by Taxi and Private Hire. This is a short course designed to support new drivers, and anyone who wants to update their qualifications after a break from driving.

3. Instructions for Private Hire Vehicle Drivers and Proprietors

Private Hire Vehicle

A private hire vehicle is defined as a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

The Advance Booking of Private Hire Vehicles and Illegal Plying for Hire

Hire cars must not pick up passengers under any circumstances without a prior booking made by the hirer **direct** with the operator for which the vehicle works. Failure to do otherwise is an offence and may invalidate your vehicle's hire car insurance cover (Section 45, TPCA).

Plying for hire with any vehicle which is not a Licensed Hackney Carriage (including a private hire vehicle) is an offence (Section 45, TPCA) and it is open to the Council to institute proceedings in the Magistrates Courts against any operator or driver committing such an offence. Furthermore, any person so convicted is liable to a fine not exceeding £2,500. Licence holders should also note that the Council may suspend, revoke, or refuse to renew a private hire operator's and/or drivers licence on any reasonable grounds, which may include a conviction for illegal plying for hire.

'Plying for Hire' means being on view and inviting the public to use the vehicle (**Rose v Welbeck Motors Limited, 1962**). This can be inferred by the appearance of the vehicle, and the place it is on view and its conduct. **Therefore, private hire vehicles must not consistently wait near taxi ranks, without reasonable cause, as to do so may be construed as acting as a hackney carriage vehicle and plying for hire.** Furthermore, in certain circumstances any gathering of more than 2 private hire vehicles could be perceived as forming a rank and lead to prosecution for plying for hire.

The practice of passengers booking fares with the driver who relays the booking information to the operator over the vehicle's radio constitutes plying for hire. The driver must not act as the "go-between" under any circumstances.

Operator Licences

"Operate" means in the course of business to make provision for the invitation or acceptance of bookings for a hire car (Section 80 LG(MP)A).

Every operator of hire cars must be licensed by the District Council (Section 46 LG(MP)A).

A District Council cannot grant a licence unless it is satisfied that the applicant is a "fit and proper person" (Section 55 LG(MP)A).

A licence cannot be issued for a period exceeding 5 years – currently Council policy is that licences are issued for a five year period, unless there are specific individual circumstances which warrant granting a licence for a lesser period. (Section 55 LG(MP)A).

Section 75 of LG(MP)A provides that a Private Hire Vehicle and driver licensed by a District Council will be authorised to act in a controlled area of any other District Council. They are licensed by one District Council in order that they will be free to go through any other controlled district and to operate fully as a licensed Private Hire Vehicle and driver.

The operator will require an operator's licence from the licensing authority in whose area he operates. All of the licences required to operate a PHV business (namely the operator, vehicle and drivers licences) must be issued by the same licensing authority.

Suspension and Revocation of Operator Licences

The Council may suspend or revoke or refuse to renew a licence on the following grounds:

- (a) the commission of an offence under the LG(MP) Act.
- (b) unfitting conduct of the operator.
- (c) any material change in the operator's circumstances.
- (d) any other reasonable cause (Section 62 LG(MP)A).

Responsibility for Hirings

Every hiring of a private hire vehicle is deemed to have been made with the operator who accepted the booking, whether or not he himself provided the vehicle. (Section 56 LG(MP)A).

Operators are therefore directly responsible for the actions or omissions of drivers or proprietors used by them and must, therefore, ensure

that all vehicles and drivers are licensed and insured.

Operators can be required to produce their booking and vehicle records on request to any authorised office of the Council for inspection.

Fare to be Demanded

The driver shall not demand from any hirer of a Private Hire Vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

Charging Separate Fares

The practice of “doubling up” of passengers and charging separately is legal only in the following circumstances:

- (a) All the passengers carried on the occasion in question booked their journeys in advance; and
- (b) Each of them consented, when booking his/her journey, to sharing the use of the vehicle on that occasion with others on the basis that a separate fare would be payable by each passenger for his own journey on that occasion (Section 11TPCA).

Note: that separate fare agreements must be made at the time of booking with the operator, NOT the driver, owner of the vehicle or anyone else.

Drivers of Licensed Vehicles must be Licensed

Once a vehicle is licensed as a hire car, every driver of that vehicle, whether it be used for private hire, contract hire, or any other purpose including personal “non-hire” use by the driver or proprietor, must possess a current private hire car driver licence. (Section 46 LG(MP)A).

Drivers' Badges

All drivers must wear the badge provided when driving a private hire vehicle in a position so as to be plainly visible. (Section 54 LG(MP)A).

The badge need not be worn if:

- (a) the vehicle is being used in connection with a wedding or funeral.
- (b) the vehicle is carrying written permission by the Council that the vehicle ID plate need not be displayed. (Section 75 LG(MP)A).

On revocation or suspension of the driver licence, the badge must be returned to the Council on demand. (Section 61 LG(MP)A).

The driver's badge remains the property of the Council and must be returned to the Licensing Team, Tedder Hall, Manby Park, Louth, LN11 8UP, either at the termination of the licence or when moving from the District and ceasing to be a licensed driver.

Drivers' Licence

This authority will not grant a Private Hire Driver's Licence unless it is satisfied that the applicant:

- (a) is a “fit and proper person”.
- (b) is medically fit to drive a Private Hire Vehicle (Sections 51 and 57 LG(MP)A).

The law requires any applicant for a private hire driver's licence to have held a full U.K. driving licence (or legal equivalent) for a least 12 months (Section 51, Local Government (Miscellaneous Provisions) Act, 1976). The Council will not normally regard the applicant to be sufficiently mature or experienced unless he has held a full licence for at least two years and is aged at least 19 years.

Any change in the driver's address or employer must be notified to the Licensing Team.

Production of Licences

Licence holders must produce the licence(s) to an authorised Officer or Police Constable if requested to do so. (Sections 50, 53 and 56 LG(MP)A).

Obstruction of Officers

It is an offence to:

- (a) wilfully obstruct an authorised Officer or Police Constable.
- (b) fail to comply with any reasonable requirement of an authorised Officer or Police Constable.
- (c) fail to give an authorised Officer or Police Constable any assistance or information he may reasonably require. (Section 73 LG(MP)A).

Prolongation of Journeys

A driver must proceed by the shortest route, subject to the instructions of the hirer. No driver shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the private hire vehicle has been hired. (Section 69 LG(MP)A).

Suspension and Revocation of Driver Licences

The Council may suspend or revoke or refuse to renew any licence on the following grounds:

- (a) the commission of an offence involving dishonesty, indecency or violence.
- (b) the commission of an offence under LG(MP)Act.
- (c) any other reasonable cause. (Section 61 LG(MP)A).

Convictions

A licence holder **MUST** disclose to the Council, in writing, details of any convictions imposed on him/her during the currency of his/her licence.

Seatbelts – Private Hire Drivers – Periods when you do not have to wear a seatbelt

The driver of a Private Hire Vehicle may only claim exemption from wearing a seatbelt when a fare paying passenger is actually in the vehicle and not at any other time.

Vehicle Licences

Every vehicle used for hire must be licensed by the District Council. (Section 46 LG(MP)A).

A District Council cannot grant a licence unless it is satisfied the vehicle is:

- (a) suitable in type, size and design for such use.
- (b) does not resemble or appear to be a Hackney Carriage.
- (c) in a suitable mechanical condition.
- (d) safe and comfortable.
- (e) insured for hire car use (Section 48 LG(MP)A).

A vehicle licence cannot be issued for a period exceeding 12 months.

Funerals

Vehicles used wholly or mainly for funerals by a funeral director do not need to be licensed for Private Hire work.

Weddings

Vehicles used solely for weddings need not be licensed as Private Hire Vehicles.

Accidents and Damage to Vehicles

Accidents causing damage to vehicles which materially affect the safety, performance or appearance of the vehicle must be reported to the Council within 72 hours. (Section 50, LG(MP)A).

Suspension and Revocation of Vehicle Licences

The Council may suspend, revoke or refuse to renew a licence on the following grounds:

- (a) the vehicle is unfit.
- (b) the commission of an offence under the LG(MP) Act or TPCA Act.
- (c) any other reasonable cause. (Section 60 LG(MP)A).

A licence may be suspended by an authorised Officer or Police Constable if he/she considers the vehicle unfit. (Section 68 LG(MP)A).

On suspension, revocation or expiry of the licence, the plate must be returned to the Council within 7 days. (Section 58 LG(MP)A).

Type of Vehicle

All vehicles presented for a Private Hire Vehicle Licence, **MUST** meet the requirements set out in Appendix 'A'. (Section 48 LG(MP)A).

Advertisements and Signage on Vehicles

The Council has adopted standard licence conditions regarding advertisements and signage on private hire vehicles. For further information see Section 5 (Private Hire Vehicle Licence Conditions) of this guidance booklet.

A Private Hire Vehicle shall not display any signs on or from the vehicle as to lead any person to believe that the vehicle is a Hackney Carriage (Taxi).

A sign consisting of the words TAXI or CAB or FOR HIRE or HACKNEY CARRIAGE or similar words is prohibited.

Roof signs are prohibited by this Authority on private hire vehicles.

Testing of Vehicles

All vehicles must be tested and inspected before a licence can be issued to ensure that they are mechanically fit and of good appearance. (Section 50 (LG(MP)A).

N.B. The Council have agreed to waive the necessity for a vehicle to be mechanically tested if it is not more than six months old at the date of the application for a licence.

Every Private Hire Vehicle licensed by East Lindsey District Council MUST be mechanically/visually inspected on at least two separate occasions in every 12 months.

An authorised Officer or Police Constable has power to inspect and test any licensed vehicle at any reasonable time. (Section 68, LG(MP)A).

MOT Certificate Exemptions for Vehicles

Vehicles licensed by East Lindsey District Council are exempt from the requirement to possess an MOT certificate.

If licence holders are requested to produce an MOT Certificate by the Police, the vehicle licence and certificate of compliance issued by the Council should be produced instead. When applying for motor tax, the vehicle licence and certificate of compliance must be produced at the Post Office.

N.B. Once the Council vehicle licence has expired, is suspended, revoked or cancelled, the vehicle reverts to the status of an ordinary private car and the normal traffic laws relating to vehicle excise licences and the holding of an MOT Certificate apply.

Identification Plates on Vehicles

A licensed vehicle must display the plate issued by the Council at all times. (Section 48, LG(MP)A).

The plate need not be displayed on a licensed hire car if:

- (a) the vehicle is being used in connection with a funeral.
- (b) the vehicle is being used in connection with a wedding.
- (c) the vehicle is carrying written permission by the Council that the plate need not be displayed. (Section 75 LG(MP)A).

The plate remains the property of the Council and must be returned to the Licensing Team on the expiry of the licence.

On revocation, suspension or expiry of the vehicle licence, the plate must be returned to the Council within 7 days. (Section 58, LG(MP)A).

The loss or damage of a plate must be reported immediately to the Council, where upon the payment of a fee a new plate can be issued.

N.B. Details of the Council's policy regarding plate exemptions for executive hire vehicles (see bullet point (c) above) is available by contacting the Licensing Team.

Vehicle Insurance

Before a vehicle licence can be issued a current certificate or cover note in the name of the proprietor for hire car use (original, not a photocopy) must be produced. (Section 48 LG(MP)A).

A certificate or a cover note must be produced on demand to an authorised Officer. (Section 50, LG(MP)A).

Transfer of Ownership of Vehicles

Where the ownership of a licensed vehicle is transferred the Council must be informed by the person listed as owner by the Council in writing of this within 14 days, stating the name and address of the new owner. (Section 49, LG(MP)A).

Taximeters in Vehicles

A hire car is not required to fit a taximeter, but if such a meter is fitted, it must be correctly calibrated, tested for accuracy and approved. (Section 71, LG(MP)A). The Council requires taximeters to be tested and sealed by an approved agent.

Vehicle Fitness Spot Checks

From time to time a licensed vehicle may be subject to a 'spot check' to determine its road worthiness. This check will normally be carried out by an authorised Officer of the Council, or by an authorised tester, in the presence of an authorised Officer or by a Police Constable, usually by the roadside.

- (a)
 - (i) If, as a result of a check, an immediate Suspension Notice is issued, then the vehicle must not be used under any circumstances as a licensed vehicle until it has been re-examined and the suspension lifted by an authorised Officer. Re-examination is normally by a full test being carried out by an approved garage (unless the licence holder is advised otherwise). This is booked in the normal way.
 - (ii) Your attention is drawn to the warnings at the foot of the Suspension Notice.

- (b)
- (i) If the Suspension Notice gives you 7 days in which to rectify the defects, then a vehicle may continue to be used until the date given on the Notice.
 - (ii) If a vehicle has not been re-examined and the Suspension Notice lifted by an authorised Officer by the date given on the Notice, then from that date, the licence is automatically suspended until such time as the vehicle is re-examined and the suspension lifted by an authorised Officer. Re-examination is normally by a full test being carried out by an approved garage (unless the licence holder is advised otherwise). This is booked in the normal way.
 - (iii) In the latter case, your attention is drawn to the warnings at the foot of the Suspension Notice.
 - (c) The roadside check carried out on a vehicle, because of practical difficulties, is unable to cover all items normally examined at a full test. The list of defects given to you only serve as justification for the issue of a Suspension Notice.
 - (d) When a vehicle is re-examined at the test garage, a full, normal test will normally be carried out. (Details of the test are available by contacting the Licensing Team).
 - (e) When a vehicle passes, the tester will issue a pass certificate. This must be taken to the Licensing Office before the suspension can be lifted.

Rights of Appeal to the Magistrate's Court

There are rights of appeal against a Council's refusal to issue a licence and against conditions attached to the grant of a licence. Rights of appeal also exist in certain circumstances where a licence is suspended or revoked.

An appeal must be lodged at a Magistrates' Court within twenty-one days from the Notice of refusal, revocation or suspension of a licence.

The Carriage of Guide, Hearing and other Assistance Dogs in Private Hire Vehicles

The Disability Discrimination Act 1995 places a duty on private hire drivers to carry guide, hearing and other

prescribed assistance dogs accompanying disabled people, and to do so without charge.

A private hire driver who fails to comply with the duty to carry guide, hearing or other prescribed assistance dogs will be guilty of an offence and liable to a fine not exceeding level 3 (currently £1,000) on the standard scale of conviction.

"Other prescribed assistance dogs" is defined as a dog which is trained by specific charities (i.e. "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence") to assist a disabled person with a physical impairment and which at the time that its owner hires a private hire vehicle is wearing a jacket inscribed with the name of one of those charities.

Medical Exemptions from the Duty to Carry Guide, Hearing and other Assistance Dogs

To enable drivers with medical conditions that would be aggravated by carrying dogs to continue to drive private hire vehicles the Council may grant exemptions and issue drivers with Exemption Certificates.

A driver who has been issued a Certificate of Exemption, must exhibit a notice in the private hire vehicle. Any person who with intent to deceive, forges, alters or lends an exemption document to any other person is guilty of an offence.

Any person who is aggrieved by the Council's refusal to issue an Exemption Certificate has a right of appeal against the decision to a Magistrate's Court within 28 days of the date of refusal.

Further information regarding medical exemptions is available from the Council's Licensing Team.

Hackney Carriage and Private Hire Drivers Penalty Points Scheme

Hackney carriage and private hire operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, the Council's byelaws and the rules, regulations and conditions set by the Council's Licensing Committee.

Should operators, drivers or proprietors of vehicles commit an offence or breach those requirements, persons involved are normally required to attend

for an interview and then once the investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the person's file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Licensing Committee and/or prosecution.

The aim of a penalty points scheme is to work in conjunction with other enforcement options. It provides a formalised, stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct, so as to ascertain whether they are a fit and proper person. It does not prejudice the Authority's ability to take other actions.

The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.

Penalty points remain for a rolling three-year period so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licence holder.

Where a licence holder accumulates 12 or more penalty points in any three year period, the matter will be referred to the Licensing Committee for the Committee to decide whether the driver is a 'fit and proper' person. The Committee may then suspend or revoke a licence, or issue a warning to the licence holder, depending on the circumstances. Periods of suspension of a licence by the Committee will be dependent on the nature of the breaches of licensing legislation/conditions and the compliance history of the individual.

Equality Act 2010

The Equality Act 2010 relates to disabled people and the provision of transport services (including taxis and private hire vehicles). Disabled people have the right not to be differently treated on buses, trains, taxis and private hire vehicles and can expect service-providers to make their services user-friendly for disabled people. Transport providers (including taxi and private hire vehicle providers) are under a legal duty to take reasonable steps (depending on all the circumstances of the case) to make their services accessible to disabled people.

This duty to make reasonable adjustments/steps consists of three main areas:

- changing practices, policies and procedures
- providing auxiliary aids and services and
- overcoming physical features by removing them, altering them, avoiding it or providing services by alternative methods.

When providing transport services licensed drivers and proprietors cannot discriminate against disabled people for reasons relating to their disability.

Smokefree Private Hire Vehicles

All workplaces, including vehicles used for public transport, must be smokefree environments. The smokefree legislation covers all taxis and private hire vehicles – in fact any commercial vehicle carrying members of the public will be required to be smokefree at all times. Further information is available at Section 9 of this booklet.

4. Private Hire Operator Licence Conditions

1. A written record must be kept of each booking for a licensed vehicle and there shall be entered therein, before the commencement of each journey, the particulars specified below and such record must be kept for a period of not less than 6 months and produced on request to an authorised officer of the Council or to a Police Constable for inspection:
 - (a) Date when booking made.
 - (b) Date and time for which car booked.
 - (c) Name and address of hirer.
 - (d) Collection point of hirer and destination.
 - (e) Fare charged.
 - (f) Registration number of vehicle used.
 - (g) Name of driver employed on journey.If a computer system is used for recording the above information, the operator must be able to provide a printout of all required booking details.
2. The operator shall keep records of the particulars of all private hire vehicles operated by him/her, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with the details of the private hire vehicle licence including number issue and expiry dates. All vehicle records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry. If a computer system is used, the operator must be able to provide a printout of all required details.
3. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:
 - (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
 - (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
 - (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
4. The operator may charge whatever fare has been agreed between him/herself and the hirer before the commencement of the journey. However, he/she shall inform the Council in writing of the basic scale of fares intended to be charged. Any change in the scale of charges will be notified to the Licensing Authority within a reasonable period of time not exceeding 14 days.
5. Where any complaint is made against a private hire vehicle driver, then the complainant shall be requested to put that complaint in writing immediately and submit it to the Council or the Operator who shall in turn within 48 hours of receipt of the complaint notify the Licensing Authority.
6. The operator shall notify the Council in writing of any change of his/her address (including any address from which he/she operates or otherwise conducts his/her business as an operator) during the period of the licence, within seven days of such change taking place. When notifying the Council the licence must be produced for amendment.
7. The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him/her (or if the operator is a company or partnership, on any of the Directors or Partners) during the period of the licence.
8. The operator shall ensure that any driver employed by the operator or working from the operator's premises holds a current Private Hire Vehicle Driver's Licence issued by East Lindsey District Council.
9. A licensed Operator will only conduct the business from the booking office address (or booking offices addresses) specified on the licence. The office (or offices) must remain in the location described on the licence unless the Operator applies and is given approval, by the Licensing Authority, for a change of location.

November 2009

5. Private Hire Vehicle Licence Conditions

1. The vehicle identity plate issued by the Council must be affixed to the rear of the vehicle in a conspicuous manner, to the satisfaction of the Council. The plates must be maintained in good condition and not be concealed from public view (except during such period that the vehicle is used for carrying passengers in connection with a wedding ceremony).
2. The vehicle must not carry a greater number of passengers than that indicated on the vehicle identity plate issued by the Council.
3. An efficient fire extinguisher (minimum 1kg powder) must be securely fixed in the vehicle and carried in such a position in the inside of the vehicle as to be readily available for use. The fire extinguisher must be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).
4. The vehicle including the carpets, seats, equipment and fittings therein shall be kept in a clean, safe and tidy condition, well maintained and efficient in every way and fit for public service.
5. Reasonable provision must be made for luggage to be carried and secured within the vehicle.
6. There must be no changes made to the physical condition or appearance of the vehicle without the prior consent of the Licensing Authority.
7. No identification sign is permitted on the roof of the vehicle.
8. Apart from any signage provided by the Council, proprietors are not required to provide signs, etc., on the private hire vehicle but if they are provided then the following will apply:
 - (a) A Private Hire Vehicle shall not display any signs on or from the vehicle as to lead any person to believe that the vehicle is a Hackney Carriage. Signage which incorporates the terms "taxi(s)", "cab", "hackney carriage" is strictly prohibited.
 - (b) When any form of signage (except for the vehicle identity plate issued by the Council) is displayed the vehicle must display the words "PRIVATE HIRE ONLY" on the metal panel of both front doors of the vehicle. The lettering must be at least 25mm in size and be of a neat and consistent standard.
- (c) Advertisements and signage displayed in or on the vehicle must not be, racist or sexist; and should not cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking materials, vaping materials or alcohol products unless as part of a health education or similar campaign. Furthermore any advertisement or signage should not contain anything of a religious or political nature.
- (d) Advertisements and signage must be of a neat and consistent standard and be of such a form as not to become easily soiled. The proprietor shall ensure that any advertisement or signage carried on the vehicle is not disfigured or damaged and shall immediately remove any advertisement or signage that has become damaged or disfigured.
- (e) Advertisements or signage, which cover the whole or a considerable section of the vehicle's rear window(s) will not be allowed.
- (f) All advertisements should comply with the British Code of Advertising issued by the Advertising Standards Agency (ASA).
9. The vehicle the subject of this licence shall not be used unless there is in force in respect of the vehicle:
 - (a) a current mechanical inspection certificate from a garage approved by the Council.
 - (b) insurance cover to carry passengers for private hire use.
 - (c) a current certificate from a source approved by the Council as to the fitness of any taximeter fitted on the vehicle.
 - (d) a current certificate from a source approved by the Council as to the safeness of the vehicle if it has been converted to run on LPG fuels.
10. The operator may charge whatever fare has been agreed between him/herself and the hirer before the commencement of the journey. However, he/ she shall inform the Council in writing of the basic scale of fares intended to be charged. Any change in the scale of charges will be notified to the Licensing Authority within a reasonable period of time not exceeding 14 days.

December 2016

6. Private Hire Driver's Licence Conditions

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.

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.

7. General Licensing Committee

A Designated Officer is delegated by the Council to grant hackney carriage and private hire licences where the applicant fulfils the basic qualifications. However, should in his opinion, there be any doubt as to whether the applicant is a "fit and proper person", an application will not be granted under delegated powers. That application will then be considered by the General Licensing Committee. Generally speaking the Designated Officer will not grant applications which contain a declaration of a conviction involving dishonesty, indecency, violence or a disqualification from driving and which is not clearly covered by the Council's guidelines relating to the relevance of convictions.

The general procedure for applications considered by the General Licensing Committee is as follows:

- (a) The Committee (consisting of elected Members of the Council) will consider the application. The applicant and/or a representative of his choice may address the Committee in support of the application. Applicants should attend as the members of the Committee may wish to ask questions.
- (b) A written report will be put before the Committee setting out the details of the application. The applicant will have an opportunity to read this before the interview.
- (c) If the Committee decide to grant a licence then this can normally be done immediately.
- (d) Should the Committee decide to refuse to grant the application, then the applicant will be notified in writing setting out his rights in the matter. Basically, on receipt of such notification the applicant may appeal to the Magistrates Court (within 21 days) against the decision of the Council.

Because the Committee does not meet on a weekly basis, there may necessarily be a delay between application and grant or refusal in such a case.

A guidance booklet, on the subject of licensing hearings, is available by contacting the Licensing Team.

8. Meeting the Needs of Disabled Passengers – Advice for Private Hire Vehicle Drivers and Operators

Overview

This leaflet provides guidance on making private hire services (PHV services) easier to use for disabled people. The focus is on customer care and customer service, rather than the type of vehicles used and their physical characteristics. Among the issues covered are training of drivers and booking staff and the personal security of passengers. Guidance presented here is based on best practice.

Whilst the prime objective of this leaflet is to improve mobility opportunities for disabled people, it should be pointed out that better understanding of customers' needs will save time, reduce the likelihood of accidents occurring, increase patronage of the private hire sector and generally make the job of staff within the industry more rewarding as a result of providing a better service.

Booking a PHV – Responsibilities of Booking Staff

By far the most common means of booking a PHV is by telephone. The attitude and manner of the person receiving calls are extremely important, since this person is the first point of contact for the company. It is therefore just as important for relevant training to be given to booking staff, as to drivers.

For telephone bookings, the person receiving a call should be trained to obtain as much information as possible about the passenger's needs at the point that a trip is booked, and provide any information about the designated vehicle that is necessary. Where only one type of vehicle is available, the caller should be informed as to the type, make, model and colour of vehicle that will be sent. In all cases, the customer should be told the name and sex of the driver that will meet them, and the person booking the trip should take the caller's name, so that the driver can ask for them by that name.

Generally, staff should be aware that some callers have difficulties understanding information that is given by telephone, so should be prepared to speak slowly and

succinctly, and avoid “information overload”. For callers with a speech impairment, booking staff should be patient when trying to understand what is being said, giving the caller the time that they need.

It is possible that a caller has a learning disability, so finds it difficult to understand what is said, and to make clear responses and ask questions. They might also find it difficult to cope with an unfamiliar situation, or to deal with someone they do not know. For callers with learning disabilities, it is especially important for staff to be patient and approachable, to use plain and simple language, and to allow plenty of time for understanding. It might be necessary to check that the caller has understood, by saying something like: “Would it help if I said that again?”. Staff should avoid suggesting an answer at the end of a question, and should not patronise adults with learning disabilities by treating them like children.

Callers who have a disability which might make them particularly vulnerable should be given priority over non-disabled customers, to minimise the anxiety that is caused by waiting. It is important that they are informed immediately in the event of the vehicle being delayed.

Booking staff should know which of the firm’s vehicles have, say, swivel seats, and should be aware that assistance dogs must be carried in all vehicles (subject only to exemptions on medical grounds). They should also know of the training that the firm’s drivers have undergone, so that they are able to pass this information on to the caller.

Callers who are deaf or hard of hearing might wish to communicate by Minicom. This is a service that allows callers to make enquiries through a keyboard linked to a telephone, using an operator as an intermediary, and is a general alternative to voice communication.

Identifying the vehicle and driver

Identifying the vehicle – A PHV must be easily and visibly identifiable as a PHV, as distinct from an ordinary saloon car. There is no single way in which this might be done, and there are some legal restrictions on PHVs, precluding the use of some words, such as “Taxi”. However, as a minimum, the name of the company should be clearly and prominently displayed on both sides of the car, and it would also be an advantage for cars to bear a distinctive livery. The licence plate issued by the Licensing Authority

must also be displayed in a prominent position on the rear of the vehicle.

Identifying the driver – It is very important that a driver coming to collect a client should have a means of identification, so that he or she not only becomes immediately identifiable as a PHV company driver, but also has some way of naming the client that is to be collected. When calling at a house, or speaking through an intercom, this can be done by the driver announcing his or her arrival, quoting his or her name, the name of the company and the name of the client.

Visual confirmation can be achieved using a product called “Briteboard” – this consists of a wipe-clean, acrylic panel, slightly larger than an A4 sheet of paper, that can be hand-held or fixed in the vehicle’s window. Whilst one section of the panel can show “Private Hire” and/or the company’s logo, a fluorescent marker pen, in a variety of colours, can be used to write the name of the client on the section below. A really important feature of this messaging system is that it illuminates, using a rechargeable power pack that is integrated into the board, so that the client’s name can be seen clearly at night, from outside of the vehicle. Whilst this high level of clarity is of benefit to all passengers, it is particularly helpful to people who are partially sighted. Use of such a device projects an image of professionalism and attention to detail that can help to engender confidence in the travelling public.

Driver training issues

Preferably, disabled people should be involved in the training process. This will give attendees first-hand experience of working with, and relating to, disabled people.

Items that should be covered

Generally: Drivers should ask if any assistance is needed, and not assume the passenger isn’t disabled because their disability is not apparent. They should pull up as close to the kerb as possible; this will help all passengers, not just those who are disabled.

Sudden braking and acceleration should be avoided – not only might this cause alarm, but this might also be painful for people with certain types of condition (e.g. arthritis, back problems etc.). Drivers should be polite, courteous and patient at all times, and avoid being

patronising. Most of these general attitudinal issues can be covered by the following guidelines:

- (1) the disabled person is the expert on his or her own disability, so the driver should ask what sort of assistance, if any, is required;
- (2) disabled people are not all the same, so assumptions and generalisations should not be made;
- (3) consider the importance of PHVs to disabled people (why do so many disabled people use them?). It is worth remembering that disabled people make more private hire journeys per person than non-disabled people.

Blind and Partially Sighted People: When meeting a blind or partially sighted person, the driver must not simply wait outside, but should knock on the door, or enter the premises, to announce his or her arrival. As much information as is necessary should be given to the passenger (e.g. the type of vehicle, which way it is facing, which way the door opens etc.). The driver should offer to guide the passenger to the vehicle's door, and place one hand on the open door whilst indicating the position of the roof (having remembered, beforehand, to ask whether such assistance is needed). When guiding a blind or partially sighted person, it is important to not push or pull them, but to inform them of what is ahead (e.g. steps, doorways, inclines etc.).

Once inside the vehicle, the driver should offer to help the passenger with the seat belt, and not set off until the passenger is seated and secure. During the journey, the passenger should be informed about any delays, or deviation to the route that he or she might have expected to take. The driver should be aware that a partially sighted person might not be able to read the vehicle's meter (if one is installed within the vehicle), so should be prepared to tell the passenger what the meter reading is. This situation might be avoided using a "talking" meter.

At the end of the journey, when giving change, it is important to count out coins and notes into the passenger's hand. The driver should ask whether the passenger would prefer change in the form of coins, since it is sometimes more difficult for blind and partially sighted people to distinguish £10 notes from £20 notes, for example. Finally, the driver should be prepared, if necessary, to guide the passenger to his or her final destination.

The carriage of assistance dogs must be permitted in all PHVs, except when the driver has a medical exemption. It

should be noted that assistance dogs are trained to sit on the floor of the vehicle and not the seat. The assistance dog user should be consulted as to whether he or she would prefer the dog to sit in the front or back of the vehicle.

Section 37A of the Disability Discrimination Act 1995 (DDA) places a duty on licensed PHV operators and drivers to carry guide, hearing and other prescribed assistance dogs, and to do so without charge. Similar provisions are also in place for taxi drivers. The Act also makes provision for PHV drivers to seek exemption from this requirement on medical grounds only.

Deaf or Hearing Impaired People: Visual material (including maps) should be available in vehicles, in order to help the driver to communicate with a deaf or hearing impaired passenger. Drivers should be prepared to write down information, so should always have a pen and paper available; they should make eye contact and speak clearly to enable the passenger to lip-read. If a passenger is accompanied by a sign language interpreter, it is important for the driver to speak to the person, not the interpreter.

For people with impaired hearing it is especially important that the driver properly announces his or her arrival, and does not simply sound the horn of the vehicle, as this may not be heard by the customer.

Speech Impairments: If a person has a speech impairment, then the driver must be patient, and, if not understanding what the customer says straight away, say so, rather than pretend to have understood, or merely guess what the person is trying to say.

Wheelchair Users: For wheelchair users who wish to transfer from a wheelchair in order to travel in a PHV, the driver should ask what assistance the passenger requires, before touching either the passenger or the wheelchair. The driver should also be familiar with the operation of ramps and swivel seats etc. that might be used to help the passenger to get into the vehicle.

Ambulant Disabled People: For passengers who have difficulty walking or with getting in and out of vehicles, the driver should be prepared to get out of the vehicle and hold the door open, help with luggage, provide an arm to hold on to, adjust the seat, if necessary, etc.. Many Multipurpose Passenger Vehicles (MPV) or people carriers are equipped with a step that can be used to reduce the height of the step up from the kerbside. As with other devices designed to help passengers to get into and out

of the vehicle, where such a step is available, the driver should be aware that it is there, and should be familiar with its functionality.

People with Learning Disabilities: Many people with learning disabilities are helped in having the confidence to travel independently by undergoing “travel training”. It might be useful for PHV drivers to attend such courses, in order to encourage a better understanding of the problems that people with learning disabilities face. When considering how best to help people with learning disabilities, it is difficult to generalise, since behavioural and learning disabilities can be manifested in many different ways; however, there are some ways in which the driver can ease communication; for example:

- (1) Allow plenty of time for understanding to take place;
- (2) Make a special effort to be calm and patient;
- (3) Do not suggest an answer at the end of a question;
- (4) Use clear and unambiguous language (i.e. avoid jargon, and do not overcomplicate issues);
- (5) Do not patronise adults with learning disabilities by treating them as children;
- (6) Be aware that many people with learning disabilities have problems with cash transactions, so make an effort to count cash slowly, into their hand. It is important that the passenger is confident of having received the correct sum of change.

People with Mental Health Problems: Some people are restricted in their freedom to travel as a result of having mental health problems. This might entail the taking of medication that might affect the person’s behaviour or demeanour, and drivers should be aware that they might, for example, appear to instead be under the influence of alcohol. Because of other people’s reactions to them, therefore, people with mental health problems are often discouraged from travelling by mainstream public transport, so the private hire sector provides a convenient alternative.

One in four of us at some time in our life will experience mental ill health. To ignore this statistic is to blatantly discriminate against this body of people; yet the needs of people with mental health difficulties are often ignored within disability awareness training programmes.

People who might be Disfigured: Similarly, people who have a disfigurement of some kind might feel limited in their desire to use mainstream public transport, and so might prefer the door-to-door service offered by PHVs. Again, drivers should be courteous, patient and understanding, and, of course, should avoid staring.

The safe carriage of wheelchair users in vehicles

These issues are relevant in the context of larger, MPV-type PHV vehicles. It is most important that drivers do not cause wheelchair users to travel sideways in their wheelchair, and that they are trained in the use of all relevant belts and other restraint and locking mechanisms. The operator should make sure that such training is up-to-date, so that drivers are aware of new research concerning the safe carriage of passengers in wheelchairs. Drivers need to be aware of the correct use of swivel seats, if fitted; when used, drivers should ensure that the seat is correctly locked in position when it is back inside the vehicle.

9. Smokefree Taxis and Private Hire Vehicles

It is an offence to smoke in any workplace or work vehicle, including hackney carriage vehicles (taxis) and private hire vehicles. This legislation has been introduced to protect employees and the public from the harmful effects of second hand smoke. Second hand smoke is a serious health hazard – every time someone inhales in second hand smoke, they breathe in over 4,000 chemicals. Many are toxic and more than 50 are known to cause cancer. It is estimated that the smokefree legislation will save thousands of lives, prevent serious diseases and help create cleaner, healthier environments.

What does the legislation mean in practice?

It requires a manager or owner / driver to:

- Ensure all commercial vehicles used to transport the public are smokefree
- Display no-smoking signs in a prominent position in all vehicles. The sign should include the international red no smoking symbol.
- Take reasonable steps to ensure that employees and customers are aware that vehicles used for public transport are legally required to be smokefree.

The no smoking sign must be displayed in each compartment of the licensed vehicle in which people can be carried. The sign must show the international no smoking symbol no smaller than 70mm in diameter.

Can a taxi / private hire driver smoke in their vehicles if they don't have any passengers?

No. The legislation requires all vehicles used for public transport to be smokefree at all times. This is because tobacco smoke is absorbed into soft furnishings and stays around for weeks after a cigarette is stubbed out, releasing particles hazardous to health.

Can drivers smoke in their own private vehicle?

Yes, the regulations do not extend to vehicles, including rental or leased vehicles, used solely for private purposes and which are not used for public transport.

Does the office need to be smokefree?

Yes, if it is used as a workplace by more than one person or if members of the public visit it or it is visited by other employees in the course of their work - the drivers, for example. This means that employers will need to:

- Ensure that the office premises are smokefree at all times
- Display the mandatory A5 no smoking signage at least at one entrance to the premises. All other entrances need only carry a sign similar to that for vehicles used for public transport (e.g. carrying the international red no smoking sign).
- Take reasonable steps to ensure that staff and customers visiting the office are aware that the premises are legally required to be smokefree.

What are the penalties for non-compliance?

If you are found smoking in your licensed vehicle (or any other workplace), you are liable to a fixed penalty of at least £50. If someone else is found smoking in your licensed vehicle, they can be served with the above fixed penalty notice and you could be fined £2,500 for failing to prevent smoking in a smokefree place.

If you fail to display the No smoking sign in your licensed vehicle, you may be served with a fixed penalty notice and you will have to pay at least £150.

You must take reasonable steps to stop someone smoking in your vehicle, but do not get into an argument and definitely do not get into a fight about it. If you do have an awkward passenger who insists on smoking then drop them off and note down the date, time, place and name of the person (if known).

(The Smokefree (Premises and Enforcement) Regulations 2006 refer.)

Appendix A

Dimensions And Ability Of Vehicles To Be Licensed As Private Hire Vehicles

Any vehicles presented for their first private hire vehicle licence with East Lindsey District Council must normally meet the vehicle specification shown below. However there may be exceptions for certain specialist hire vehicles. Further advice regarding specialist hire vehicles is available from the Council's Licensing Team.

NOTE(S): The specification will also relate to existing private hire vehicles where the existing private hire vehicle licence is not renewed and any application for relicensing is not submitted within 8 weeks of the expiry of the previous licence.

Vehicles, which have been confirmed to comply with the specification, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence.

The specification will be reviewed from time to time.

The specification requires vehicle types to have been tested to one of the following standards:

- European Community Whole Vehicle Type Approval
- UK Low Volume National Type Approval
- Single Vehicle Type Approval

Any wheelchair/disabled access vehicles must have been tested in the converted (wheelchair/disabled access) state to one of the above Type Approval standards.

Steering	The steering wheel should be on the offside (right-hand side).
Doors	<p>All doors must be capable of being opened from the inside.</p> <p>Saloon cars must have four doors, being two on each side of the vehicle, a rear hatch/door not being accepted as one of the four doors.</p> <p>Minibuses/People Carriers/Converted van type vehicles without a nearside door are not acceptable. Furthermore multi-seater vehicles must have at least four doors; if the rear door is to be used for access and egress then access to this must be direct and not be blocked by a line of seats.</p>

Seat Width	The size requirement is 16" (approximately 40 cm) per person. The distance of 16" should be measured in a straight line lengthwise at the widest point of the front half of each seat. The distance for 3 persons of 48" (approximately 122 cm) should be taken between the arm rests as these can in some cases significantly reduce the width. Further to this a height of 34" (approximately 86 cm) between seat and roof and 7" (approximately 18 cm) from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.
Seating Arrangements	The maximum number of passenger seats allowed is 8 and all should have direct access to a door without the need to climb over the rear of any seat. Tip-up seats or seats which require the back to be lowered will only be permitted when giving access to the side doors of multi-seater vehicles (seats of this type giving access within saloon and estate vehicles will not be permitted). Bench type seating will not be permitted. Seats must not be sideways to the direction of travel and all should comply with current seat belt regulations. The minimum number of passengers that a vehicle should be capable of carrying whilst complying with the above seat width provision is 4.
Luggage	The vehicle must be able to carry a reasonable amount of luggage (safe from inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.
Vehicle Licence Requirements	Where there are standard conditions annexed to vehicle licences relating to the condition and fitness or appearance of a licensed vehicle the vehicle must comply with these conditions.

NOTE: The Council are aware that some private hire operators/proprietors may not wish to licence wheelchair/disabled accessible vehicles. Nothing in this specification

will require a private hire vehicle to be wheelchair/disabled accessible. However any private hire vehicle which is wheelchair/disabled accessible must achieve the following standard.

Wheelchair Access:

A nearside or rear door must be used for wheelchair access. Vehicles which use an offside door for wheelchair access are not acceptable. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 29" (75 cm). The minimum angle of the door when opened must be 90 degrees (The minimum angle will not be relevant in the case of a sliding door).

The clear height of the doorway must be not less than 47" (approximately 120 cm).

There should be sufficient space within the vehicle for the wheelchair to turn. The area required for the wheelchair must be at least 27" (approximately 70 cm) x 47" (approximately 120 cm). The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 51" (approximately 130 cm).

A ramp or ramps for the loading of a wheelchair and occupant must be available at all times while a wheelchair bound passenger hires the vehicle. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use. The storage of the ramps when not in use must not impede access or egress of passengers.

There must be a slip-resistant surface on the ramp/ramps. Anchorages must be provided for the wheelchair and chair bound passenger. Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.

If the vehicle is to transport a folded wheelchair within the passenger compartment, anchorages must be provided for the safe storage of the wheelchair (whether folded or otherwise).

All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

NOTE: Any vehicles, which provide a wheelchair space by the removal of seating, will not be accepted unless the vehicle (including seating anchorage arrangements) has been tested in the converted (wheelchair/disabled access) state to the Type Approval standards set out above. If the removed seats are to remain in the vehicle then they must be stored safely and not stored in such a way as to hinder access to a door.

Miscellaneous:

The flooring of the passenger compartment must be covered with a non-slip material, which can be easily cleaned.

Grab handles should be placed at door entrances to assist the elderly and disabled. Grab handles should be highly visible.

All entrances and exits must be sufficiently illuminated at night.

The provision of a step for assisted entry is recommended. The step must be covered with a slip-resistant surface.

Any enquiries concerning these vehicle specifications should be made to the Taxi Licensing Section, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire. LN11 8UP (Telephone (01507) 601111)

Specification Last Revised September 2006

Appendix B

Private Hire Vehicle Test Arrangements

Private Hire Vehicle Tests

All **vehicle tests** are carried out by the Council's approved garages. An up to date list of approved garages is available from the Licensing Team.

Appointments can be made by telephoning a garage direct or in person by calling at the particular garage.

The Vehicle Test Fee will be payable direct to the garage at the time of the test.

All vehicles will also be subject to a visual inspection by a Council Officer. The visual inspection will cover items such as the cleanliness of the vehicle and compliance with licence conditions (further information is available in the Council's Vehicle Compliance Testing Handbook – which can be found on the website: www.e-lindsey.gov.uk).

The visual inspection will normally be undertaken at the Council's Manby Park Offices when an application is made for the vehicle licence. Visual inspections will normally only take place on a Tuesday or a Thursday morning. Appointments for visual inspections should be made at least 24 hours in advance by telephoning the Licensing Enforcement Team or the Licensing Team on 01507 601111.

Private Hire Meter Tests

A Private Hire Vehicle is not required to fit a taximeter, but if such a meter is fitted it must be correctly calibrated and tested for accuracy.

All **meter tests** must be carried out by an approved and competent inspector.

Condition of Vehicle

The vehicle must be presented for inspection and testing in a thoroughly clean condition inside and out.

ALL vehicles for all tests and inspections must be:

- (a) Fitted with an approved fire extinguisher securely fixed in such a position as to be readily available for use.

In the case of **RENEWAL** of a licence or a **SIX MONTH TEST** they must also:

- (a) Be fitted with the identification plate, issued by the Council, in the correct place,
- (b) The fire extinguisher must be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).

A full list of items to be tested is available on request.

The tester at an approved garage may refuse to test a vehicle which in his opinion is unsafe or dangerous.

Driver of Vehicle

The driver should remain on the approved tester's premises whilst the test is being carried out and answer any questions.

The driver is not allowed in the test bay without the express consent of the tester.

Vehicle Passes the Test at an Approved Garage

A Pass Certificate will be issued if the tester is satisfied as to the condition of the vehicle.

Vehicle Fails the Test at an Approved Garage

The driver will be informed of the reasons for failure.

A retest will have to be subsequently carried out on the vehicle, this must be arranged through an approved garage.

Certificate of Compliance

When the private hire vehicle licence has been issued by the Council, a Certificate of Compliance will also be issued. The Certificate of Compliance exempts the vehicle from holding an MOT Certificate, while the Certificate of Compliance and private hire vehicle licence are both in force.

L.P.G. Fuels

If the vehicle has been converted to operate on L.P.G. Fuels, an annual certificate must be obtained from a source approved by the Council, as to the safeness of the vehicle.

Testing Stations

At the time of drafting this guidance leaflet the testing stations approved by the Council were as follows:

Alford Area

- 1) Smith's Garage, Calceby Lane, South Thoresby, Alford, LN13 0AT (Tel: 01507 480372).
- 2) T & L Garage Services, Unit 8 Hardwick Court, Beechings Way, Alford, LN13 9BU (Tel: 01507 462854)

Coningsby and Tattershall Area

- 3) Grahams Complete Car Care, Unit 5 Lancaster Court, Coldham Road Industrial Estate, Coningsby, Lincoln, LN4 4SE (Tel: 01526 343535).

Horncastle Area

- 4) Fulletby Motors (2002) Limited, High Street, Fulletby, Horncastle, LN9 6JY (Tel: 01507 533217).
- 5) Stratton 4x4, Devereux Way, Boston Road Industrial Estate, Horncastle, LN9 6AU (Tel: 01507 524050).

Louth & Mablethorpe Area

- 6) John Darke Limited, A16 Garage, Grimsby Road, Louth, LN11 0EA (Tel: 01507 603451).
- 7) G. Harness (Louth) Ltd, Bolingbroke Road, Fairfield Industrial Estate, Louth, LN11 0WA (Tel: 01507 603341)
- 8) Chris Fairburn MOT Centre, Units 11 & 12, Louth Trading Estate, North Holme Road, Louth, LN11 0JQ (Tel: 01507 602608).
- 9) Burtons of Louth, Legbourne Road, Louth, LN11 8ES (Tel: 01507 607555).
- 10) R. & Y. Autos Ltd, Units 1 & 2 Station Estate, Mablethorpe Area
- 11) Seacroft Garage Limited, Seacroft Road, Mablethorpe, LN12 2DT (Tel: 01507 472333).
- 12) Steve Wood Motors, High Street, Sutton on Sea, Mablethorpe, LN12 2HE (Tel: 01507 441215).
- 13) Manby Motors Limited, Unit 4 Block 4, Dowlands Business Park, Manby, Louth, LN11 8UT (Tel: 01507 327222).
- 14) Greenards Garage Limited, Oak House, Keeling Street, North Somercotes, Louth, LN11 7PL (Tel: 01507 358402).

Skegness Area

- 15) Lomax Corner Garage, Croft Bank, Croft, Skegness, PE24 4RH (Tel: 01754 763101).
- 16) Taylor's of Skegness, Berry Way, Wainfleet Road, Skegness, PE25 3QS (Tel: 01754 766019).
- 17) Cavendish Auto Repairs Limited, Cavendish Road, Skegness, PE25 2QZ (Tel: 01754 767964).
- 18) Hudson Motors Limited, 1 Clifton Grove, Skegness, PE25 3HB (Tel: 01754 766217).
- 19) Roman Bank Garage, 124 Roman Bank, Skegness, PE25 1RX (Tel: 01754 760165)

Proprietors are free to use any of the above testing stations - you are not limited to a testing station situated in your particular part of the East Lindsey District.

Appendix C

East Lindsey District Council

Guidelines Relating to the Relevance of Convictions – Hackney Carriage and Private Hire Vehicle (PHV) Drivers and Private Hire Vehicle Operators

1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council (the Licensing Authority) when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence. The policy also relates to applicants for a private hire vehicle operator licence and holders of a current private hire vehicle operator licence.
- 1.2 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure:
 - That a person is a fit and proper person
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest persons
 - The safeguarding of children, young persons and vulnerable adults
- 1.3 This policy provides guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:
 - Applicants for drivers and operator licences
 - Existing licensed drivers and operators whose licences are being reviewed
 - Licensing Officers
 - Members of the Council's Licensing Committee
 - Magistrates hearing appeals against Local Authority decisions
- 1.4 Where Licensing Officers have delegated powers

to grant licences, they will utilise these guidelines when making a decision whether or not to grant a licence. Should there be any doubt, in the Officer's opinion, as to whether the applicant is a 'fit and proper' person, then the application will not be granted under delegated powers. Such applications will be referred to the Council's Licensing Committee (consisting of Councillors) for determination. Whilst Officers and the Licensing 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, the Committee or Officer may depart from the guidelines, as long as the reasons for doing so are recorded in the decision.

2. General Policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example, where the offence is a one-off occasion or there are mitigating circumstances. However, the overriding consideration should always be the protection of the public.
- 2.2 A person with a relevant conviction need not be automatically barred from obtaining a licence, but would be expected to show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 A series of offences over a period of time is more likely to give cause for concern than an isolated, minor conviction. A serious view will be taken when an applicant shows a pattern of offending and unfitness.
- 2.4 Where an applicant has been convicted of a criminal offence, the Licensing Authority cannot review the merits of the conviction (see Nottingham City Council v. Mohammed Farooq (1998)) and, for instance, determine that the applicant should never have been convicted.
- 2.5 Persons with a conviction(s) for sexual offences involving children or vulnerable adults or any other very serious crime will not normally be issued with a licence.
- 2.6 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.

2.7 Cautions - Adult cautions are not regarded as convictions, but being admissions of guilt, may be taken into consideration by the Licensing Authority.

2.8 Private Hire Vehicle Operators – In view of the significant responsibility held by private hire vehicle operators in terms of setting standards for their company, recruiting drivers, and dealing with members of the public, the Council believes that the operator must be a person of impeccable character and should be an example to all those whom he/she employs. Therefore, the view of the Licensing Authority is that applicants for a private hire operator's licence (and holders of a private hire operator's licence) must at least fulfil the same requirements as applicants for private hire drivers licences in terms of being free from serious convictions or a pattern of unlawful behaviour.

3. Criminal Record Checks

- 3.1 It is the policy of the Licensing Authority that every applicant for a licence to drive a hackney carriage and/or private hire vehicle must produce evidence of a current and up to date Enhanced Disclosure and Barring Service Check and evidence that they are not on a child and/or vulnerable adult barring list. Applicants for a private hire vehicle operator licence, who do not hold a hackney carriage or private hire vehicle driver's licence with this Authority, will be required to present the result of a current and up to date Basic Disclosure Check from CRB Scotland (at their own expense).
- 3.2 If an applicant has spent six continuous months or more overseas the Licensing Authority will expect to see evidence of a criminal record check (or certificate of good conduct) from the country/countries covering the relevant period before a licence application can be made.
- 3.3 Such criminal record checks or certificates of good conduct must be provided in accordance with the Home Office Document "Application Processes for

Foreign National Criminality Information". Any criminal record check must be translated into English by a recognised translation service provider that has been approved by the Licensing Authority.

4. Appeals

- 4.1 Any applicant refused a driver's licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 4.2 Any applicant refused an operator licence on the grounds that the Licensing Authority is not satisfied he/she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

5. Powers – Suspension, Revocation or Refusal to Renew a Licence

- 5.1 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a hackney carriage or private hire driver licence if the applicant/licence holder has been convicted of:
 - an offence involving dishonesty, indecency or violence; or
 - failure to comply with the provisions of the Town Police Clauses Act 1847; or
 - failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;

The Licensing Authority may also suspend, revoke or refuse to renew on the grounds of any other reasonable cause.

- 5.2 Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a private hire vehicle operator licence if the applicant/licence holder has been convicted of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976. The Licensing Authority may also act on any of the following grounds:

- conduct which appears to render him/her unfit to hold a licence;
- any material change in the circumstances of the operator;
- or any other reasonable cause.

5.3 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a hackney carriage or private hire vehicle driver's licence, whether spent or not. Therefore, the Licensing Authority may have regard to all relevant convictions (as defined in this policy); particularly where there is a long history of offending or a pattern of repeat offending. However, before having regard to such a spent conviction the Licensing Authority will firstly consider whether the conviction is relevant to the licence application at hand.

5.4 In this policy the term "disqualification" refers to the period served, to take account of the fact that a period of disqualification from driving may be reduced upon the successful completion of a relevant driver rehabilitation course. An applicant must provide the Licensing Authority with sufficient evidence to prove that the period of disqualification was so reduced.

6. Consideration of Disclosed Criminal History

6.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. The Authority must not grant a licence unless it is satisfied that the applicant is a fit and proper person to hold it.

6.2 All conviction(s), criminal findings of guilt (including fixed penalty ticket(s)), caution(s) and warning(s), whether for motoring or other offences and County Court Judgment(s)/Order(s) (where the judgment or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator) may potentially be taken into account when deciding to grant a licence or on a review after the issue of a licence. During the currency of a licence the licence

holder should, immediately after being told that/she is being reported for an offence, being arrested, convicted or has admitted guilt (including fixed penalty notice(s)), caution(s) and/or warning(s), advise the Licensing Authority of this information in writing.

6.3 The Licensing Authority will consider:

- How relevant the offence(s) are to the licence being applied for (or licence being reviewed)
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Sentence imposed by the court
- The applicant's age at the time of conviction.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other relevant factors

6.4 Applicants, for the grant of a first time licence, can discuss further what effect a caution/conviction or other sanction may have on any licence application by contacting the Council's Licensing Officer in confidence for advice.

6.5 The Licensing Authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) from any applicant for a driver licence. The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.

6.6 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an Enhanced Disclosure at their expense. The Licensing Authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

6.7 The Licensing Authority encourages applicants and licence holders to register for the DBS's update service and to nominate the Licensing Authority to receive updates. DBS certificates obtained for a hackney carriage or private hire driver licence cannot be used for the purpose of obtaining a Lincolnshire County Council School

Transport Badge ("Green Badge") and vice versa. A separate check is required for each authorisation. However, applicants can register both checks with the DBS update service.

6.8 The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other Licensing Authorities, and information disclosed by the Police.

6.9 It is an offence for any person knowingly or recklessly to make a false declaration (or to deliberately omit any relevant material) in submitting information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence may be refused or revoked.

7 Serious Offences Involving Violence

7.1 Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will be refused if the applicant has a conviction for an offence that involved the loss of life unless the circumstances are exceptional.

7.2. Given the wide range of the offences that involve violence, consideration will be given to the nature and type of the conviction.

7.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Or any offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.

7.3 A licence will not normally be granted where the applicant has a conviction for an offence below (or similar offence(s) which replace the below offences) or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence and the conviction (or completion of sentence - whichever is longer) is less than 10 years prior to the date of application:

- Actual bodily harm which is racially aggravated
- Robbery
- Possession of firearm
- Riot
- Assault of a Police Officer
- Common assault (racially aggravated)
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A hackney carriage or private hire driver found guilty of any of the offences (detailed in this paragraph 7.3 of the policy) should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 10 years since conviction (or completion of sentence - whichever is longer) has elapsed.

7.4 A licence will not normally be granted where the applicant has a conviction for an offence below (or similar offence(s) which replace the below offences) or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence and the conviction (or completion of sentence - whichever is longer) is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A hackney carriage or private hire driver found guilty of any of the offences (detailed in this paragraph 7.4 of the policy) should expect to have his/her licence

revoked immediately and not be considered for the grant of a licence until a minimum period of 10 years since conviction (or completion of sentence - whichever is longer) has elapsed.

- 7.5 A licence will not normally be granted where the applicant has a conviction for an offence below (or similar offence(s) which replace the below offences) or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A hackney carriage or private hire driver found guilty of any of the offences (detailed in this paragraph 7.5 of the policy) should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 5 years has elapsed.

- 7.6 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
- 7.7 In the event of a licence being granted, a strict warning both verbally and in writing will be administered.

- 7.8 Fixed Penalty Notices (Public Order Offence) -**
The Licensing Authority recognises that in some instances a Fixed Penalty Notice (FPN) may be issued for a Public Order Offence rather than the option of prosecution through the Courts or acceptance of a Caution. A serious view will be taken of the existence

of a FPN for a public order offence. In certain instances where a FPN has been issued it may be appropriate for the Council to issue a strong warning regarding future conduct rather than the refusal of a licence application or suspension / revocation of a licence. The existence of more than one FPN will raise serious concerns regarding an individual's suitability to act as a licensed driver.

8. Possession of a Weapon

- 8.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give rise to serious concern as to whether the person is fit to carry the public. Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before an application for a licence is considered.
- 8.2 A hackney carriage or private hire driver found guilty of any offence involving a weapon(s) should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 5 years since conviction (or completion of sentence - whichever is longer) has elapsed.

9. Sex and Indecency Offences

- 9.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences will normally be refused.
- 9.2 In particular, an application will normally be refused where the applicant has a conviction for an offence or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence such as:
- Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Sexual assault
 - Indecent assault
 - Exploitation of prostitution
 - Trafficking for sexual exploitation
 - Any offence involving child sexual exploitation and/or sexual

exploitation of vulnerable adults

- Possession of indecent photographs, child pornography, etc.
- Or any sex or indecency offence that was committed in the course of employment as a taxi or private hire vehicle driver
- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence.

9.3 A driver found guilty of a sexual or indecency offence during the period of a licence should expect to have his/her hackney carriage or private hire vehicle driver's licence revoked immediately. It is unlikely that anyone in this situation will ever be licensed again.

9.4 In addition, to the above the Licensing Authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

10. Dishonesty

10.1 Licensed drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday, is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any lost property being kept by an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 5 years free of conviction should be required before entertaining an application.

10.2 A licensed driver found guilty of a dishonesty offence should expect to have his/her licence revoked immediately and be banned from holding such a licence with the Council for a minimum period of 5 years after conviction (or completion of sentence - whichever is longer).

10.3 In general, a minimum period of 5 years free of conviction or at least 5 years from completion of sentence (whichever is longer) should be required

before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- and any similar offences
- Or any similar offences (including attempting, conspiring to commit, aiding and abetting or procuring such offence) or any offences which replace the above

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

11. Drugs

11.1 A very serious view is taken of any drug related offence.

11.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction (or completion of sentence - whichever is longer) for at least 5 years.

11.3 A licence will not normally be granted where the applicant has a conviction for an offence related to the possession of drugs and has not been free of conviction (or completion of sentence - whichever is longer) for at least 3 years.

11.4 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of at least 5 years free from drug taking after detoxification treatment.

11.5 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

11.6 A hackney carriage or private hire vehicle driver found guilty of driving whilst under the influence of drugs, or found guilty of any drug-related offence should expect to have his/her drivers licence revoked immediately and be banned from holding such a licence with the Council for 5 to 7 years since conviction (or completion of sentence - whichever is longer)

12 Driving Offences Involving the Loss of Life

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

12.2 A licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- or any similar offences

13 Drink Driving or Driving Under the Influence of Drugs

13.1 Motor Vehicle - A serious view will be taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident may not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence.

13.2 At least 3 years should elapse (after the restoration of the DVLA driving licence) before an applicant is considered for a licence. If there is any suggestion that the application is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

13.3 A hackney carriage or private hire vehicle driver found guilty of a drink-driving offence (or driving under the influence of drugs) should expect to have his/her drivers licence revoked immediately and be banned from holding a hackney carriage or private hire vehicle drivers licence with the Council for at least 5 years after the restoration of the DVLA driving licence.

13.4 With a Licensed Vehicle - A driver found guilty of driving passengers for hire and reward whilst under the influence of drink should expect to have his/her driver's licence with the Council revoked immediately and be banned from holding a driver's licence with the Council for a minimum period of 7 years after the restoration of the DVLA driving licence.

14. Major Traffic Offences (Not Involving the Loss of Life)

14.1 An isolated conviction for reckless driving or driving without due care and attention, etc., should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 3 years free from convictions has elapsed.

14.2 Similarly, a first conviction during the period of a hackney carriage or private hire vehicle driver's licence will indicate that the driver may have ceased to be a fit and proper person and will lead to a licence suspension or warning as to future conduct, and may lead to revocation of that licence for subsequent convictions.

14.3 Applicants who have been disqualified from driving due to Major Traffic Offences (Not Involving the Loss of Life)- At least 3 years should elapse (after the restoration of the DVLA licence) before the individual is considered for a hackney carriage or private hire vehicle driver's licence.

15 Insurance Offences (With a Motor Vehicle)

15.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted

provided he/she has been free of conviction for at least 3 years; however, a strict warning should be given as to future behaviour.

15.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

15.3 A driver found guilty of driving passengers for hire and reward whilst without insurance should expect to have his/her hackney carriage or private hire vehicle drivers licence revoked immediately and not be considered for another licence for a minimum period of 5 years.

15.4 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least 5 years.

15 Using a Mobile Phone Whilst Driving

15.1 Applicants (and licence holders) should be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- are much less aware of what's happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly, take longer to brake and longer to stop
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated.

16.2 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

16.3 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving whilst using a mobile phone and a licensed driver who is convicted can expect the suspension or revocation of their licence.

17. Other Traffic Offences

17.1 New Applicants – Any conviction for other traffic offences, (e.g. obstruction, waiting in a restricted street, speeding, etc.) should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. In certain instances it may be appropriate to issue a licence together with a strong warning as to future driving requirements. If a significant history of offences is disclosed, refusal of an application may result.

17.2 New applicants who have received 9 or more penalty points (in respect of minor traffic offences) on their driving licence during the 12 months prior to the date of application may be refused.

17.3 Applicants who have been disqualified from driving under the "totting-up" procedure will not normally be granted a licence unless they have held a licence for at least 2 years following the expiry of the period of disqualification and can show a significant improvement in a history of traffic offences received during that period.

17.4 Existing Licence Holders - A hackney carriage or private hire vehicle driver receiving 6 or more penalty points during any three year period will be issued with a written warning as to future conduct.

17.5 Any current driver disqualified from holding a DVLA licence under the "totting-up" procedure should expect to have his/her hackney carriage or private hire vehicle driver licence revoked. At least 3 years should then elapse (after the restoration of the DVLA licence) before he/she is considered for a licence and then a licence should only be granted if he/she can show a significant improvement in a history of traffic offences received during that period.

17.6 In the case of an existing hackney carriage or private hire vehicle driver where the "totting-up" disqualification of a DVLA licence is considered by the Court, even if the Court does not disqualify, the Council is likely to revoke the hackney carriage or private hire vehicle driver's licence. At least 3 years should elapse (after the restoration of the DVLA licence) before the individual is then considered for a licence.

17.7 In the case of an existing hackney carriage or private hire vehicle driver, who shows a pattern of driving

endorsements, the Licensing Authority reserves the right to require such a driver to successfully undergo the DSA Taxi and Private Hire Driver Driving Assessment or the Taxi and Private Hire Driving Assessment provided by the Lincolnshire Road Safety Partnership (or other similar body approved by the Licensing Authority).

18 Drunkenness (Not in a Motor Vehicle)

- 18.1 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination. In some cases, a strict warning may be sufficient.
- 18.2 In cases of severe alcohol abuse, a period of 5 years after the last conviction must elapse before an application is considered and then only after examination by a consultant with a special interest in such cases with confirmation being provided of satisfactory liver enzyme tests and mean cell volume (MCV).

19 Licensing Offences

- 19.1 One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences (or possible pattern of unlawful behaviour) under the hackney carriage and private hire licensing legislation.
- 19.2 Certain offences under hackney carriage and private hire legislation such as plying for hire without a hackney licence, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since the date of conviction.
- 19.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

20 Smokefree – Taxis and Private Hire Vehicles

- 20.1 Any hackney carriage or private hire vehicle driver who receives a first fixed penalty notice or fine for smoking in a licensed vehicle will be issued with a warning as regards future conduct.

- 20.2 Any hackney carriage or private hire vehicle driver receiving two or more fixed penalty notices or fines during any two year period for smoking in a licensed vehicle will be reported to the Licensing Committee who may consider suspension or revocation of his / her driver's licence(s).

21 Perverting or Attempting to Pervert or Conspiring to Pervert the Course of Justice

- 21.1 At least 3 years should elapse since conviction or release if an immediate custodial sentence is imposed (whichever is longer) before an applicant is considered for a licence.
- 21.2 A licence holder found guilty of such an offence should expect to have his/her licence revoked immediately and not be re-considered for a licence until a minimum period of 5 years has elapsed since conviction or release if an immediate custodial sentence is imposed (whichever is longer).

22 Outstanding Charges or Summonses

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

23 Non-Conviction Information

- 23.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration will be given to refusing the application.
- 23.2 In assessing the action to take, the safety of the travelling public will be the paramount concern.

24 Once a Licence Has Been Granted

- 24.1 If a licence holder's conduct is such that,

were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

24.2 All of the preceding contents of this policy document apply equally to current hackney carriage and private hire vehicle drivers as they do to licence applicants (unless otherwise stated).

25 Licences Issued by Other Licensing Authorities

25.1 Applicants who hold a licence with one Licensing Authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

25.2 Licensees who are licensed by multiple Licensing Authorities are expected to inform each of them that they hold licences elsewhere and which Authorities have granted licences to them. When applying for a licence or during the currency of a licence they should inform this Council if another Authority has refused, revoked or suspended a licence and advise each Authority of any changes in their circumstances; such licence holders should expect those Authorities to share information regarding their conduct and to take it into account as appropriate. Any personal data collected in this way is shared with other Authorities for the purposes of the protection of the public and all licensees consent to their data being used for that purpose.

26 Conclusion

26.1 To conclude, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant will be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered.

26.2 While it is possible that an applicant may have a number of convictions that, individually, would not prevent him/her being licensed, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is

the protection of the public. This consideration is vital because taxi and private hire licence holders have unprecedented access to the public and are in a position to exercise control over an individual (including children and vulnerable adults).

26.3 A man or woman who has committed an offence and has to wait a period of time before being accepted as a hackney carriage or private hire vehicle driver (or operator) is more likely to value his/her licence and act accordingly.

Guidelines last revised January 2016

Appendix D

Disclosure(s) from the Disclosure and Barring Service

Applicants for Hackney Carriage and Private Hire Vehicle

Drivers' Licences

East Lindsey District Council requires all applicants for a hackney carriage or private hire vehicle driver's licence to undergo a criminal record disclosure from the Disclosure and Barring Service (DBS) before a licence is granted. This will include details of cautions, reprimands or final warnings, as well as convictions.

Scope

1. The legislation provides that local authorities with responsibilities under the Local Government (Miscellaneous Provisions) Act 1976 may require applicants for a hackney carriage or private hire vehicle (PHV) driver's licence to apply for a DBS Disclosure.

DBS Disclosure

2. In all cases the DBS Disclosure will be made against Government Records and the national collection of criminal records maintained on the Police National Computer (PNC). A fee (for each individual enquiry) is payable to the DBS at the time the request for a Disclosure is made.

Lead Counter Signatory

3. An officer in the Council will take responsibility for use of the Disclosure Service. He or she will be responsible for:
 - Overseeing the operation of the disclosure procedure within the authority and act as the principal point of contact with the DBS;
 - Ensuring that disclosure requests fall within the terms of the legislation;
 - Ensuring that requests are made at the right time;

- Ensuring that any relevant provisions of Rehabilitation of Offenders Act 1974 are observed;
- Ensuring that information received from the DBS is released only to those who need to see it;
- Ensuring that records are kept securely and for no longer than is necessary;
- Specify additional Countersignatories to assist in the Disclosure application process.

Roles Of The Countersignatory

4. All countersignatories will be required to:
 - Countersign applications;
 - Control the use of, access to and security of disclosures;
 - Confirm the details of the documentary evidence requested by the DBS, to establish the identity of the applicant applying for the Disclosure;
 - Ensure compliance with the Code of Practice; and
 - Ensure the position is covered by the exceptions Order to the Rehabilitation of Offenders Act 1974 and the Disclosure requested is at the appropriate level.

Procedure

5. DBS Disclosures form an integral and important part of the licensing procedures. Other checks, however, to establish a person's integrity and fitness to hold a licence to drive a hackney carriage or PHV will be carried out, and attempts may be made to account satisfactorily for any unexplained gaps in employment.
6. When submitting an application for a licence to drive a hackney carriage or PHV an applicant is required by the Council to declare any convictions (including traffic convictions) or cautions he/she may have. An applicant must include spent convictions under the Rehabilitation of Offenders Act, 1974 (by virtue of the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002). The information will be treated in confidence and

will only be taken into account in relation to the application.

7. An applicant will be required to undertake an Enhanced DBS Disclosure. He/she will be informed in writing when a Disclosure is required.
8. The East Lindsey District Council area is predominately a rural area with limited public transport options. Vulnerable adults and persons under 18 regularly use hackney carriage and PHVs 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. 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. The majority of hackney carriage and private hire hirings will be unsupervised, placing the driver in a position of trust. When entrusting young persons 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.
9. The Council will make every effort to confirm the identity of the applicant before the DBS are asked to process a Disclosure. Verification of identity, date of birth, address, NI number and any change of name will be obtained. Incomplete or incorrect identification details may invalidate the DBS Disclosure. In line with the advice of the DBS all applicants applying for a DBS Disclosure must normally produce the following documentary evidence:

One item of photographic evidence. The following being acceptable:

- a current passport, or a new-style UK photocard driving licence

Plus at least two items of address-related evidence (e.g. a utility bill, or a bank, credit card or mortgage statement containing the name and address of the applicant).

In the absence of photographic evidence, a full birth

certificate issued within 12 months of the date of birth plus two items of address-related evidence may be sufficient.

Any items of address-related evidence (including the following) will be accepted only if the personal details match those on the application form(s):

- marriage certificate, credit card statement, mortgage/insurance statement, bank details/statement, utility bill.

The Council will require proof of the applicant's NI number.

Where an applicant claims to have changed his/her name by deed poll or any other mechanism (e.g. statutory declaration) he/she must produce documentary evidence of such a change.

Photocopies of any of the above documentation will not be acceptable. Original documents must be produced.

The Council will take copies of photographic evidence and any birth certificates presented, but will not normally make photocopies of any address-related evidence. With regard to address-related evidence applicants will be assured that it is only the address section of the evidence that will be scrutinised by Officers.

10. The Council have a policy statement available to people who will be subject to a DBS Disclosure under these arrangements.
11. When a DBS Disclosure is desired, the request should be sent to the DBS using the official Disclosure Request Form.
12. The DBS will reply to the applicant either indicating that there is no trace on DBS records of a record, which matches the details, provided, or that those details appear identical with the person whose record will be attached. The record will contain details of all convictions recorded nationally against that person. The applicant must then present the DBS Certificate to the Licensing Team.
13. It should be noted that the DBS record will not normally include details of motoring convictions. Such information under separate arrangements will be obtained from the Driver and Vehicle Licensing Agency. This will be provided on receipt of a written

request, which must include the subject's driver number. A fee (for each individual enquiry) is payable at the time the request is made. The information given will include endorsement/disqualification details.

14. Where the information provided by the DBS differs from that provided by the applicant, and is of significance, the nominated Countersignatory will discuss the discrepancy with the applicant before reaching any final decision in which the nature of the information received is a factor.
15. It is noted that applicants themselves may reveal certain minor convictions or cautions, which are not recorded in the national collection of criminal records and, therefore, not included in the convictions provided by the DBS. In general, corroboration of such convictions or cautions will not be sought from the DBS.
16. A person who believes the information provided by the DBS is incorrect and who wishes to make representations to the Council regarding the matter, may do so. Applicants however must always approach the DBS if they think a mistake has been made on a disclosure.

Checks on Persons Already in Possession of Hackney Carriage/PHV Drivers' Licences

17. Checks will not normally be made on persons other than in connection with an application for grant or renewal of a licence. If, however, serious allegations are made against a driver, or previously unrevealed information comes to light and the Council is satisfied that the information cannot be verified in any other way, the licence holder may be asked to produce a current Disclosure. The Council will undertake to pay the cost of the Disclosure. The Disclosure cannot be undertaken without the knowledge of the individual concerned who will be given an opportunity to discuss the outcome of the same.

The Council will not cover the cost of Disclosures in respect of first time and renewal applications for a licence.

Should a licence holder refuse to cooperate with a request to produce a Disclosure, then the Council will take action accordingly, which could lead to the revocation or suspension of a licence.

Use Of Information

18. The fact that a person has a criminal record or is known to the police does not necessarily mean that he or she is unfit to hold a driver's licence. The Council will make a balanced judgement about a person's suitability taking into account only those offences, which are considered relevant to the person's suitability to hold a licence. A person's suitability will be looked at as a whole in the light of all the information available.
19. In deciding the relevance of convictions, the Council will bear in mind that offences which took place many years in the past may often have less relevance than recent offences. Similarly, a series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. In any event the importance of rehabilitation will be weighed against the need to protect the public.
20. In order to ensure consistent and fair treatment when determining whether or not criminal convictions render an applicant unsuitable to hold a licence, the Council have drawn up detailed policy guidelines containing general criteria against which applications may be considered.
21. Where it is discovered that a driver, licensed prior to implementation of the DBS, had failed to disclose past convictions, the Council will consider carefully whether they should now refuse to re-grant the driver licence. In most cases, if those convictions are such that they would now lead to the refusal of a licence, refusal will be considered. If, however, previously unrevealed convictions are discovered which would not now disqualify the individual from holding a licence, consideration may be given to granting it.

Appeals

22. Any person who is aggrieved by the Council's decision to refuse a driver's licence may appeal to a Magistrates' Court.

Storage And Destruction Of Records

23. Any information the DBS supply will be of a sensitive and personal nature. It will be used only in connection with the application, which gave rise to the request for a Disclosure to be made. The Lead Counter Signatory must ensure

it is kept securely while the licensing process takes its course and that the information is not kept for longer than is necessary. An indication on the Council's own record that a DBS disclosure has been carried out may be made but this will not refer to specific offences.

Checks on Applicants from Overseas

24. The Council cannot always:

- Make enquiries about the antecedents of people from overseas; or
- Establish details of convictions acquired outside the United Kingdom.

Applicants from certain countries may, however, be able to produce certificates of good conduct or a copy of their own criminal record. All applicants must be in a position of being able to prove that they are a "fit and proper person" to hold a hackney carriage or PHV driver's licence with East Lindsey District Council. Wherever possible the Council will make use of any Overseas Information Service provided by the DBS.

Monitoring

25. Where possible the Council will collate the following information in respect of DBS Disclosures:

- Number of DBS disclosures requested in respect of taxi applicants;
- Time taken to receive disclosures, and
- Any apparent difficulties with these arrangements, including the resource implications;

Hackney Carriage and PHV Drivers

Undertaking Contract Hire Work

26. Applicants who intend to undertake Contract Hire work may be required to undertake a further DBS Disclosure by the hirer. Lincolnshire County Council, for example, require hackney carriage and PHV drivers to undertake a Disclosure before undertaking contract work involving the transport of schoolchildren or vulnerable adults. July 2013

Appendix E

Map of the East Lindsey District Council Area



The information and guidance contained in this guidance booklet is provided for information purposes only. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself. Every reasonable effort is made to make the information and commentary accurate and up to date, but East Lindsey District Council assumes no responsibility for its accuracy and correctness, or for any consequences of relying on it. Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.

The information and commentary does not, and is not intended to, amount to legal advice to any person on a specific case or matter. You are strongly advised to obtain specific personal advice from a solicitor or licensing consultant about your case or matter and not to rely entirely on the information or comments in this leaflet.

If you would like this information in a different format, please contact us on 01507 601111.

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