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Date: 9th October 2023

Our Ref: KB

Dear Sir/Madam,

A meeting of the **LICENSING COMMITTEE** will be held in the Council Chamber on **Tuesday 17th October, 2023 at 6.00 p.m.**

Please note that meetings will be recorded for future publication on the Council's website.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: All Members of the
Licensing Committee

Councillors R. Tromans (Chair), T. Sheppard (Vice-Chair)
Councillors J. Clarke, J. Coventry-Moreton, S. Croft, K. Evans,
J. Gutteridge, G. Moreton, N. Phillips, J. Singh and M.
Tromans

A G E N D A

PART I - PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

2. APOLOGIES - To receive apologies for absence from the meeting.

3. MINUTES - To confirm the minutes of the meeting held on the 1st March 2023 to follow

4. DECLARATIONS OF INTEREST

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 4**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

5. PUBLIC CONSULTATION - Members of the Public will be given the opportunity to speak on specific agenda items, if notice has been received.
6. HACKNEY CARRIAGE, PRIVATE HIRE DRIVERS, OPERATORS AND VEHICLE PROPRIETOR LICENSING POLICY AND VEHICLE LICENSING POLICY – a report of the Strategic Director – Public Services attached (Page 7)
7. ANY OTHER ITEMS - which in the opinion of the Chair should be discussed as a matter of urgency because of special circumstances (which must be specified).

Licensing - Schedule of Declarations of Interests – 2023/2024

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	J. Clarke	Employed by Marcus Jones MP	County Councillor W.C.C. Nuneaton Conservative Association; Deputy Chairman Officer of the Abbey Preceptory No.541 - Nuneaton Member of the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton Festival of Arts 	
	J. Coventry-Moreton	School Receptionist – St Nichola Chamberlaine School, Bedworth	Share in rental dwelling at Sealand Drive, Bedworth and Tresilian Road, Bedworth.	
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board • West Midlands Employers 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	K. Evans	Employed by the Local Government Association	<p>Sponsorship: Election Expenses – North Warwickshire Conservative Association</p> <hr/> <p>Membership of Other Bodies:</p> <ul style="list-style-type: none"> • Substitute Member of the West Midlands Combined Audit, Risk and Assurance Committee <hr/> <p>Member of the Bedworth Conservative Club Member of the Conservative Party.</p>	
	J. Gutteridge		<p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Warwickshire Health and Wellbeing Board • Age UK (Warwickshire Branch) • Committee of Management of Hartshill and Nuneaton Recreation Ground • West Midlands Combined Authority Wellbeing Board <hr/> <p>Member of NABCEL</p>	
	G. Moreton	Member of School Appeals Panels at Warwickshire County Council	<p>Share in rental dwellings at Sealand Drive, Bedworth and Tresillian Road, Exhall.</p> <p>Member on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Bedworth Neighbourhood Watch Committee 	
	N. Phillips	Employee of DWP	<p>Member of:</p> <ul style="list-style-type: none"> • Nuneaton Labour CLP • The Fabian Society • The George Eliot Society • The PCS Union • Central Credit Union • Stockingford Sports and Allotment Club • Haunchwood Sports and Social Club 	
	T. Sheppard (Vice-Chair)		<p>Member of Unite Union Member of Labour Party</p>	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	J. Singh			
	M. Tromans	Warwickshire County Councillor (Galley Common) Share in a rental property in Hydes Pastures, Nuneaton	Member of WI Member of the Conservative Party	
	R. Tromans (Chair)	Compliance, GIM, Coventry Warwickshire County Councillor (Weddington) Share in a rental property in Hydes Pastures, Nuneaton	Member of the Chartered Institute of Credit Management	

NUNEATON AND BEDWORTH BOROUGH COUNCIL**Report to: Licensing Committee – 17th October 2023****From: Kevin Hollis-Strategic Director-Public Services****Subject: Hackney Carriage, Private Hire Drivers, Operators and Vehicle Proprietor Licensing Policy and Vehicle Licensing Policy****Portfolio: Public Services - Councillor Sue Markham**

1. Purpose of the report

- 1.1 To consider a Hackney Carriage, Private Hire Drivers, Operators and Vehicle Proprietor Licensing Policy following consultation (attached as Appendix A).
- 1.2. To consider an amendment to the current Hackney Carriage and Private Hire Licensing Vehicle Policy following consultation (Attached as Appendix B).

2. Recommendation

- 2.1 The Hackney Carriage, Private Hire Drivers, Operators and Vehicle Proprietor Licensing Policy be adopted.
- 2.2 The amendment to the Vehicle Licensing Policy be adopted.

3. Background to the Policy

- 3.1 Nuneaton and Bedworth Borough Council (The Council) has responsibility for licensing hackney carriage (taxi) and private hire vehicles, drivers and proprietors, and operators within the Borough. The Council's primary focus is the safety of the travelling public and the reduction of air pollution.
- 3.2 The Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976, which governs the licensing of Private Hire Vehicles, Private Hire Operators, and drivers. The adoption of this act also encompasses the adoption of the Town Police Clauses Act 1847, which governs the licensing of Hackney Carriages.
- 3.3 The Council's policies and conditions are set and reviewed by the Council's Licensing Committee and /or Cabinet. The Council's policies and conditions apply to all drivers, vehicles and operators who hold the relevant licenses issued by the Council. The Council's Taxi & Private Hire Licensing Team are responsible partly for making decisions relating to the application of the policies and conditions, under the Council's scheme of sub-delegation.
- 3.4 The UK taxi and private hire industry is rapidly changing in the UK, although much taxi and private hire law has changed little since the 1970s. To continue to keep the travelling public safe, the Council's policies and conditions also need to keep pace with new developments.

- 3.5 The Department for Transport produced a document in July 2020 intitled Statutory Taxi and Private Hire Vehicle Standards (**attached at Appendix 2**). The guidance covered many areas but specifically focuses upon “protecting children and vulnerable adults, all passengers will benefit the recommendation contained in it”. The guidance also states **“The Department therefore, expects these recommendations to be implemented unless there is compelling local reason not to”**
- 3.6 The proposed “Driver Policy” incorporates most of the recommendations outlined in the guidance issued by the Department for Transport plus additional requirements and amendments to existing polices or Conditions of licence.
- 3.7 The Policy also makes changes to the present system of medical examination of hackney carriage and private hire drivers. The new proposal is to bring it in line with Group 2 medical standards that are in force at the time. Group 2 medical standards apply to HGV (lorry drivers) and PCV (bus drivers). These new standards are a slight reduction in our present standard but brings it in line with other professional drivers and sets changeable standards.
- 3.8 A previous report and draft policy was brought before this Committee on the 1st September 2021 requesting that the draft policy be circulated for consultation purposes.
- 3.9 In January 2023 the Hackney Carriage, Private Hire Drivers, Operators and Vehicle Proprietor Licensing Policy and amendment to the Vehicle Licensing Policy went out for public consultation. On 16th April 2023 the consultation period ended-no comments were received.
- 4.0 **Penalty Points System**
- 4.1 In conjunction with the Policy it is also recommended that the Committee considers the introduction of a penalty points system for hackney carriage and private hire licensing enforcement.
- 4.2 Enforcement of non-compliance is undertaken in line with the legislation and also the Council’s licensing enforcement policy. There is no offence of breach of licence conditions under the Act and currently many of the ‘lighter touch’ enforcement actions arise out of non-compliance with conditions or proven misdemeanours following receipt of complaints regarding conduct etc.
- 4.3 Individual warnings for minor misdemeanours may not warrant a reconsideration of the driver’s ‘fitness and propriety’ to act as a driver but repeated warnings could result in more formal action.
- 4.4 The primary objective of implementing a penalty points scheme must clearly be to improve the levels of compliance within the trade which would subsequently help improve the standards, safety and protection of the travelling public. It is not a ‘punishment’ but more of a fair, open and transparent scheme to monitor drivers’ behaviour and conduct over a period to establish whether they remain ‘fit and proper’ to hold a licence.

- 4.5 Such misdemeanours can include for example, Private hire drivers parking on ranks, Hackney Carriage drivers leaving Hackney Carriage Vehicles unattended on ranks, failing to notify damage to vehicles within statutory timescales, rudeness to customers, unnecessary prolongation of journeys, unsatisfactory condition of vehicle, failing to display badge, failing to carry badge in vehicle, providing requested documents late and many more.
- 4.6 Points can also be added where drivers are convicted through the courts of some driving offences such as speeding, crossing a red light, bald tyre, using a phone or smoking whilst driving etc. to ensure that a cumulative picture is built up.
- 4.7 Points would be accrued up to a maximum of 12 at which point the driver is referred to the Licensing Committee for consideration of what action (if any) to take.

5.0 **Amendment to Private Hire Vehicle Licences**

5.1 The existing Hackney Carriage and Private Hire Vehicle Policy was approved on the 12th December 2016 and amended on the 13th October 2018. The "Vehicle Policy" in relation to new or replacement vehicles, an extract of the relevant part of the Policy appears at Appendix B of this report.

5.2 The Introduction of the Policy in 2018 was always designed to allow and require improvement in standards in relation to hackney carriage and private hire vehicle emissions.

5.3 The original Policy allowed:

Euro 4 vehicles which were first introduced and on sale in January 2006.

Euro 5 vehicles these vehicles were introduced and on sale from January 2011 and

Euro 6 engines fully introduced and on sale from September 2016

And also allowed A ULEV vehicle which is defined as having a pure electric engine, a plug-in hybrid engine, or a vehicle with CO₂ emissions below 75 g/km.

5.4 It is proposed that the Authority discontinues the licensing of new and replacement hackney carriage and private hire vehicles which are Euro 4 vehicles/ engines or older

5.5 Existing Euro 4 vehicles presently licenced with the Authority should continue to be licenced until they are replaced by the proprietor of the vehicle.

6.0 **Conclusion**

6.1. The requested changes to both Vehicle and Driver Policies will improve the standard of drivers licenced and a reduction in emission from licenced vehicles within Nuneaton and Bedworth Borough Council. We will achieve a considerable step forward in complying with the Statutory Taxi and Private Hire Vehicle Standards guidance.

Kevin Hollis
Strategic Director
Public Services

Hackney Carriage, Private Hire Drivers, Operator and Vehicle Proprietor Licensing Policy

Final Draft

October 2023

Policy Adopted by Nuneaton and Bedworth Borough Council on xxxxx

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Terminology:

Nuneaton and Bedworth Borough Council is under a duty to protect the public funds it administers and detection of crime. It may use the information supplied in connection with individual applications for the prevention and detection of fraud and crime. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. Further information is contained in Appendix D to this policy (National Fraud Initiative)

1.0 INTRODUCTION

- 1.0.1 Nuneaton and Bedworth Borough Council (“the Council”) is the licensing authority for hackney carriage drivers, and private hire drivers and operators for the Borough of Nuneaton and Bedworth.
- 1.0.2 The principal legislation governing the licensing of taxis and private hire is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions Act) 1976. The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. The Department has produced Statutory Taxi & Private Hire Vehicle Standards and the Best Practice Guidance for licensing authorities which sets out standards which can be considered good practice in this area of licensing, although it also recognises that individual licensing authorities should produce their own policies in relation to specific licensing matters. Both guidance documents have been taken into consideration in preparing this policy.
- 1.0.3 In developing this policy document the Council has set out to achieve the following objectives:
- Promote public safety and good practice by only licensing fit and proper persons
- 1.0.4 In order to meet these objectives, the Council has set minimum requirements for the licensing of drivers, and operators. These requirements include:
- Checks on drivers including medicals, criminal record checks (i.e. Disclosure & Barring Service checks), driving licence checks, testing of the applicants’ knowledge of the area, together with literacy and numeracy skills and promotion of good practice and knowledge of safeguarding
 - Checks on private hire operator records and premises.
 - Checks of suitability of vehicle proprietors
- 1.0.5 Furthermore, the Council undertakes to uphold its commitment to the objectives by:
- Carrying out a programme of planned inspections and checks and the investigation of complaints to monitor and enforce compliance with legislation and licence conditions, with appropriate action taken in accordance with:
 - the Council’s enforcement policy
 - the Hackney Carriage and Private Hire Vehicle Licensing - Policy Relating to Criminal Convictions
 - the Council’s Penalty Points Scheme (see Appendix C)
 - Ongoing training and development of Officers and members of the Licensing Committee.
 - Provision of information to the private hire and hackney carriage trades and members of the public through press releases and publications, the Council website and attendance at any relevant forums.

1.1 Regulators Code

- 1.1.1 The Council has had regard to the Code when developing these policies and operational procedures and will equally have regard to the Code when setting standards or giving guidance. If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow

that provision, but should record that decision and the reasons for it. The code was last updated in 2014.

1.2 Review of Policy

- 1.2.1 The Council has consulted widely on the adoption of this policy. The Council will review the policy every 5 years, or it will be re-assessed following any changes in legislation relevant to the area of taxi and private hire licensing and following any review of relevant DfT Guidance. The Council may at any time review any of the elements of licensing covered by this document and appropriate consultation will be carried out in respect of that element only if it is not part of a comprehensive taxi and private hire policy review.
- 1.2.2 The policy and associated documentation is available on the Council's website at www.nuneatonandbedworth.gov.uk (under taxi and private hire licensing). Hard copies are available from the Licensing Section – contact by email at licensing@nuneatonandbedworth.gov.uk or by telephone on 024 7637 6222.

2.0 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

- 2.0.1 The statutory and practical criteria and qualifications for hackney carriage drivers and private hire drivers are broadly similar. The sections below, therefore, apply equally to both.

2.1 Dual Licences

- 2.1.1 The Council issues at present only dual driver licences that entitle the holder to drive both licensed hackney carriages and private hire vehicles.

2.2 Private Hire Driver Licence (only)

- 2.2.1 We will in future provide a standalone Private Hire Driver's licence which will alleviate the need to sit the Knowledge test, but the applicant will still need to take and pass the comprehension and numeracy test and all other requirements including safeguarding training. The knowledge test will be allowed to be taken later and upon passing will enable the driver to have a Dual Licence, an additional admin fee will be incurred.

2.3 Period of Licence

- 2.3.1 The maximum duration of a licence is 3 years and this is the period for which the Council will normally issue licences. Exceptions occur however if the applicant does not have 3 years permitted leave to remain in the country or would require a new medical. Yearly licences will be issued for drivers over 65, who are also required to sit an annual medical examination. The Licensing Committee may, considering an applicant's circumstances, convictions etc, issue a licence for a lesser period and request additional checks to be undertaken. We may also consider issuing a shorter licence period if requested by the applicant.

2.4 Age and Experience

- 2.4.1 The Council does not specify a minimum or maximum age for applicants although there is a statutory requirement that applicants must have held a full UK Driving Licence or equivalent if appropriate, for a period of at least 12 months before an application can be considered. Applicants should note that a provisional licence and pass slip would not be considered to meet this requirement.

- 2.4.2 A DVLA driver endorsement check will be required for all new and renewing applicants to ensure the validity of the applicant's right to drive.
- 2.4.3 There are specific restrictions on non-UK (or equivalent) driving licences depending upon the country of issue. Applicants are therefore advised to contact the DVLA for clarification before applying for a hackney carriage or private hire drivers licence.
- 2.4.4 More frequent medical checks will be required for older applicants – see Section 4.0 on Medicals for further details.

3.0 HACKNEY CARRIAGE and PRIVATE HIRE TRAINING POLICY

- 3.1 The Training Policy which was approved by Single member decision on the 30th September 2021 – The policy is attached to this document as Appendix E

4.0 MEDICAL EXAMINATION

- 4.0.1 The Council requires the physical fitness and eyesight of applicants for a taxi or private hire drivers' licence to be checked both at first application and then as indicated below. Each applicant should meet the Group 2 medical standards that are in force at the time of their medical. These standards are designed for lorry and bus drivers but are suitable for new and existing applicants for Hackney or private hire vehicles.

- 4.0.2 Group 2 medical application forms can be obtained from the Council's Licensing Section or below

- 4.0.3 [Drivers Medical application](#) Please print off form and return with application

- 4.0.4 Completion Notes can be obtained at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818322/inf4d-d4-medical-examination-information-notes.pdf

- 4.0.5 *The above notes apply to drivers of lorries and buses but because we have adopted the standard of Group 2 Medicals, they do relate to the medical application on our website.*

Medical Examination Certificate must be completed and signed by a Medical Practitioner as to the applicant's fitness to be a driver of a vehicle with the initial application and renewal applications.

- 4.0.6 A new Medical Examination Certificate will be required on renewal of a driver's licence at the age of 45 years, unless they have provided a Medical Examination Certificate in the preceding five years. The frequency of the medical will then be every 5 years until the age of 65 unless the driver is restricted to a shorter period for medical reasons. At the age of 65 Hackney or private hire drivers licences are renewable annually without an upper age limit.

- 4.0.7 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities.

5.0 DISCLOSURE & BARRING SERVICE (DBS) CHECKS

- 5.0.1 A Disclosure & Barring Service check is an important safety check on a driver and operator and will be required with all new and renewal applications (drivers only). The Council Will require drivers to take up the DBS update service and maintain that service during the duration of the licence (see below)
- 5.0.2 Licensed drivers are obliged to notify within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty, drugs or violence and any motoring offence.
- 5.0.3 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as 'spent' and which would not normally necessitate disclosure of that conviction. Licensing authorities can, however, consider any convictions (spent or unspent) that may be relevant to work as a licensed driver. Applicants for licences are, therefore, required to disclose all convictions.
- 5.0.4 Where an applicant is unable to provide the required five-year address history in the UK for the purpose of the DBS check, a certificate of good conduct from the relevant embassy or a statutory declaration of good character must be provided. Guidance on these certificates can be obtained from the Home Office

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants/guidance-on-the-application-process-for-criminal-records-checks-overseas>

- 5.0.5 The Council requires all driver applicants to have an enhanced DBS check at a **minimum of a 6 month period** .
- 5.0.6 The Council requires all Operators or **vehicle proprietors** to undertake a basic DBS annually unless they undertake a DBS in another area of licensing within NBBC i.e. NBBC drivers licence.
- 5.0.7 The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties except as required to do so by law. Information arising from disclosures will be kept only for as long as is necessary and then destroyed.

5.1 Disclosure and Barring Service Update Service

- 5.1.1 Because of delays in DBS applications and the need to maintain information as to new prosecutions the local authority will require all new and renewing applicant to apply and maintain for the period of the licence a live DBS through the DBS Update-Service. Applicants will need to apply to the Update service and for a small annual subscription (payable to the DBS), have their DBS Certificate kept up to date, which will eliminate the need to complete a new DBS every 3 years on renewal of the drivers licence. Applicants can access the update service online at www.gov.uk/dbs-update-service This also includes guidance on how to apply.
- 5.1.2 Those drivers that fail to take up DBS Update Service will be required to undertake and to pay for a manual DBS check **every 6 months**, with an associated administration charge.

5.2 Proprietors of Vehicles

- 5.2.1 Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.
- 5.2.2 The Guidance issued by the Department of Transport Statutory **Taxi & Private Hire Vehicle Standards** requires that all vehicle proprietors of Taxi or Private Hire Vehicles should provide a basic disclosure from the DBS and that a check is undertaken annually. **This is not required if a DBS is supplied to NBBC licensing team for another reason.**

5.3 National Anti-Fraud Network

- 5.3.1 The Statutory Taxi and Private Hire Vehicle Standards guidance requires all Local Authorities to consider and join the National Anti-Fraud Network to provide and receive information to the national register of taxi and private hire vehicle driver licence refusal and revocations (the register is known as the 'NR3'. NBBC has joined this register.

5.4 Relevance of Convictions and Cautions

- 5.4.1 The Council's Policy Relating to the Relevance of Convictions and how they will be considered and is available on the NBBC website.
- 5.4.2 In relation to previous convictions, the Council will have regard to the following:
- Whether the convictions are spent or unspent.
 - The number of convictions and offences.
 - The class of the offences.
 - The age of the offences.
 - The circumstances.
 - The apparent seriousness, as gauged by the penalty.
 - Whether the type of offence is relevant to the type of application.

5.5 Leave to Stay and Work in the UK

- 5.5.1 An increasing number of applicants have only a limited leave to stay and work in the UK. In such cases a licence will not be issued to expire beyond the end of the period during which the applicant has entitlement to work in the UK. In some cases, the Council may need to make separate enquiries of the UK Border Agency.

5.6 Renewal of Licences

- 5.6.1 It is the responsibility of the licence holder to ensure that any renewal application and all required paperwork are submitted sufficiently in advance of the expiry of the current licence to enable it to be processed and for medical and criminal record checks to be carried out.
- 5.6.2 When renewals are undertaken if the applicant has not maintained their DBS update service, then the application will be rejected, until a new DBS is completed.

5.7 Conditions of Licence

- 5.7.1 The conditions attached at Appendix A will be attached to all dual hackney carriage and private hire driver licences.

6.0 PRIVATE HIRE OPERATORS

6.1 Requirements and Obligations

6.1.1 Private hire vehicles and driver must be pre-booked, and a private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire drivers' licence. All three licences must be licenced through Nuneaton and Bedworth Borough Council.

6.1.2 The applicant for operators' licences must be a 'fit and proper person. To be considered as such, applicants will be expected to demonstrate that they have complied with other legal requirements connected with running a business. Failure to do so could result in the refusal of an application. Where licences have been issued and breaches of such requirements are found, so that the licence holder is no longer considered 'fit and proper ', the licence could be suspended or revoked.

- Convictions: subject to the Rehabilitation of Offenders Act 1974 applicants * must declare any convictions.
- Bankruptcy: applicants must declare whether they have had a discharge suspended for failing to cooperate with the Official Receiver.
- Company directorship: applicants must declare whether they have ever had a disqualification order under the Company Directors Disqualification Act 1986 made against them, thereby disqualifying them from being a director, or taking part in the management, of a limited company.
- All new or existing operators will be required to submit a basic DBS on a yearly basis. This is not required if a suitable DBS is supplied to NBBC licensing team for another reason. It is important to note that the fit and proper test is also extended to any directors or partners in any company or partnership and would require a basic **DBS for those persons yearly** or if a new partner or director is appointed to the company.

6.1.3 Checks will be made with the Development Control Section of the Council as to whether planning permission exists or is needed for the use of the premises where the facilities for booking are being made available, but it will be the sole responsibility of the operator to ensure that any necessary planning consent exists for the operational address to be used for that purpose. The grant of a private hire operators' licence will not imply that such consent is necessary or likely to be granted.

6.2 Conditions

6.2.1 The Council has power to impose such conditions on an operator's licence as it considers reasonably necessary. The standard conditions set out in Appendix B are those approved by the Council as being reasonably necessary and will be attached to all operator licences. Additional conditions may be applied to individual licences if considered necessary.

6.3 Record Keeping including Booking and Dispatch Staff

- 6.3.1 Operators are required to keep records of each booking, including the name of the passenger, the destination, the name of the driver and the number of the vehicle is accepted as good practice. This would, for example, enable police checks to be made if any mishap should befall a passenger and assist with the recovery of lost property to the rightful owner.
- 6.3.2 Operators must keep records in respect of all bookings, vehicles or drivers, in accordance with the conditions of licence referred to above.
- 6.3.3 As a condition of licence, the operator will be required to keep a register of all staff that will take bookings or dispatch vehicles. In addition, all booking or dispatch staff should provide to the operator a recent basic DBS certificate which should be recorded in the register. This can be undertaken by the operator or via a responsible organisation to request this check on their behalf. The register should be available for inspection by a duly authorised officer of the council or Police Officer.
- 6.3.4 Operators may wish as part of the booking and dispatch staff contract of employment to require the employee to advise the operator of any convictions while they are employed in this role.
- 6.3.5 Operators may outsource booking and dispatch functions but the obligation to protect children and vulnerable adults remains. Operators are required to evidence those comparable protections are applied by the company to which they outsource these functions to and maintain that evidence for inspection by an authorised officer.

6.4 Licence Duration

- 6.4.1 The Council will issue a five or three year Operator's licence as requested by the applicant. However, the authority may issue a one-year licence on first application if any specific reasons are appropriate.

6.5 Address from Which an Operator May Operate

- 6.5.1 Upon grant of an operator's licence, the Council will specify the address from which the operator may operate (i.e., where provision is made for the invitation and acceptance of bookings for a private hire vehicle). This will be the premises where the records referred to above are kept and at which they may be inspected by Council officers.

6.6 Bases Outside the Nuneaton and Bedworth Borough Council Area

- 6.6.1 The Council will not grant an operator's licence for an operator with an operating base that is outside the Council's area. This is to ensure that proper regulation, inspection and enforcement measures may be undertaken by the Council.

7.0 DISCIPLINARY AND ENFORCEMENT MEASURES

7.1 Enforcement

- 7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire trades.
- 7.1.2 Enforcement will be carried out in accordance with any corporate or departmental

policies in force at the time together with the Penalty Points Scheme referred to below. The overriding principle is that any action taken will be reasonable and proportionate.

7.2 Disciplinary Hearings

- 7.2.1 Disciplinary matters, except in the case of breaches of vehicle requirements, will normally be referred to the Licensing Committee / Sub-Committee or dealt with by officers via the Nuneaton and Bedworth Magistrates Court or Penalty Points Scheme. One of the functions of the Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence and to take the action appropriate to the circumstances. This could ultimately result in suspension or revocation of a licence.

7.3 Drivers

- 7.3.1 Refusal / Revocation / Suspension of Licence

- 7.3.2 The decision to refuse / suspend / revoke a driver's licence may be taken by the Licensing Committee or an authorised officer of the Council. In certain circumstances involving public safety it may be appropriate to revoke a licence with immediate effect. Where such action is taken, basic information will be posted on the National Anti-Fraud Network (NR3 Register), and detailed information will only be released if another local authority contacts Nuneaton and Bedworth Borough Council where the person in question is applying for a licence in that area or is already a licenced driver in that local authority area.

7.4 Penalty Points Scheme

- 7.4.1 In order to assist with enforcement, and as a method of dealing with less serious matters the Council is proposing to adopt a penalty points scheme relating to driver, vehicle proprietor and private hire operator offences and conduct and this is attached as Appendix C to this policy. It is envisaged that penalty points (if awarded following investigation) will be attached to the appropriate licence or in certain circumstances e.g., a proprietor's licence and drivers licence.

7.5 Fees

- 7.5.1 Fees for private hire and hackney carriage licensing are levied on a cost-recovery basis. These fees are reviewed yearly and operate on a three-year rolling basis to ensure that the service is cost neutral.

APPENDIX A



PRIVATE HIRE DRIVERS' LICENCE CONDITIONS

PRIVATE HIRE DRIVERS' LICENCE

CONDITIONS OF LICENCE

These conditions to be read in conjunction with the appropriate provisions of the Local Government (Miscellaneous Provisions) Act 1976.

1.0 INTRODUCTION

1.1 The Private Hire Driver's Licence is granted to you subject to you complying with the relevant Policies and the following conditions of licence. Failure to comply with any of the polices or conditions could lead to a prosecution and/or your licence being suspended, revoked or not renewed by a Licensing Committee or Sub Committee.

1.2 Variation of Licence Conditions

1.2.1 The Council may vary any or all of the conditions herein contained at any time, following approval by the Licensing Committee and following a consultation process. The Council may change the wording of any condition with approval of the Director of Democracy, Planning and Public Protection for purely clarification purposes only and a record of this change will be kept on record.

2.0 CONDUCT OF DRIVER

2.1 The Driver shall:-

- (a) Not congregate with more than 2 other private hire drivers/vehicles in residential areas and cause a nuisance by your parking, noise or activities whilst waiting to be allocated a booking.
- (b) You must not park in such a position or location to be in the vicinity of premises such as bars, restaurants, takeaways, public houses, clubs, hotels, casino's, gaming and amusement arcades, which could give the appearance of being available for hire unless you have been allocated a booking by your operator.
- (c) Not park or wait in your vehicle on a Hackney Carriage Stand – "Taxi Rank".

- (d) Ensure that when booked, you are in attendance with the vehicle at the appointed time and place unless delayed or prevented by some sufficient cause.
- (e) Not use the horn to signal the vehicles presence to any passenger(s) awaiting the vehicle.
- (f) Convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in moving luggage to and from the entrance of any premises where you collect or set down your passenger(s).
- (g) Have a good standard of personal hygiene, be clean and respectable in your appearance and behave in a civil and orderly manner at all times whilst your vehicle is in use or available for hire.
- (h) Take all reasonable steps to assist with and ensure the safety of your passenger(s) when entering, being conveyed in and alighting from your vehicle.
- (i) Unless otherwise directed by your passenger(s), or for reasonable cause, explained to the passenger prior to proceeding on the journey take any other route to the destination other than the shortest possible route and shall not without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the private hire vehicle has been hired.
- (j) You must not **PLY FOR HIRE** or accept any booking, which is not made via your operator. You must not tout or solicit any person to hire or be carried for hire in any private hire vehicle or cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle
- (k) Not eat or drink in your vehicle whilst carrying a passenger.
- (l) Not without the express consent of your passenger(s) play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle. Not cause or permit the noise emitted by any radio or previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- (m) ensure that any licensed private hire vehicle to be driven by him/her is in a roadworthy condition, and thoroughly cleaned before the commencement of his/her journey;
- (n) not importune any person to hire the private hire vehicle nor make use of any other person for that purpose

2.2 Prompt Attendance

- 2.21 The driver of a private hire vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by some sufficient cause.

2.3 Fare to be Demanded

- 2.3.1 Not demand a fare in excess of any previously agreed for that hiring. If no fare has been previously agreed then you must not demand a fare in excess of that prescribed by your operators fare table displayed in the vehicle. If the vehicle is fitted with a meter and no fare has been previously agreed then you must not demand a fare in excess of that shown on the meter.
- 2.3.2 The driver of a private hire vehicle undertaking for any hirer a journey ending outside the Borough of Nuneaton and Bedworth (and in respect of which no fare and no rate of fare was agreed before the hiring was effected) shall not require for such a journey a fare greater than that indicated on the taximeter with which the private hire vehicle is equipped or, if it is not so equipped with a taximeter, greater than that which, if the table of fares deposited with the Nuneaton and Bedworth Borough Council had been applied for the journey, would have been authorised by the table.
- 2.3.3 If requested to do so by your passenger(s), provide a written receipt for any fare paid, on stationery bearing the name of your operator, which includes your call sign, details of the journey and the fare paid, drivers name and badge number
- 2.3.4 keep proper records in the form approved by the Council of all journeys undertaken by him/her, such records to include the date and time of the journey, pick up and destination points fare charged and number of passengers (records to be retained for a period of 6 months and produced to an authorised officer, Police or Council on request);

2.4 Change of Address

- 2.4.1 The driver shall notify the Council in writing of any change of his / her address during the period of the licence within 7 days of any such change taking place

2.5 Convictions

- 2.5.1 The driver shall, within 7 days, disclose to the Council in writing details of being cautioned or convicted for any offence or you receive an endorsement for a motoring offence, including an endorse able fixed penalty, attend a speed awareness course or similar. In the case of a motoring endorsement you do not need to wait for your licence to be returned from the DVLA. This will include any speed camera penalty point offences for speeding.

2.6 Drivers Badge / Licence

- 2.6.1 The driver shall ensure that the badge is current and worn on his / her clothing in such a position and manner as to be plainly and distinctly visible at all times when discharging his duties as a driver of a vehicle. You must not wilfully obstruct or refuse any person from viewing your private hire badge or taking the number of your badge.
- 2.6.2 The driver shall, upon expiry (without immediate renewal), revocation or suspension of his/her licence, forthwith return to the Council the driver's badge issued to him/her by the Council when granting his/her licence. **This badge shall always remain the property of the Council.**
- 2.6.3 The driver shall report the loss of his licence or badge to the Council in writing as soon as the loss becomes known. A duplicate may be issued upon payment of a fee.

2.7 Working for Other Local Authorities

2.7.1 If you apply for or hold any hackney carriage or private hire operator, vehicle or driver licence(s) with any other council you must inform the Licensing Office, in writing and within **7 days** of any application being refused or licence(s) being suspended or revoked and provide the following information:

- The name of the council.
- The licence number(s) of the licence(s) suspended or revoked.
- The date of the decision.
- A copy of the decision notice issued by the other council giving the grounds for the action taken.

2.8 Accidents

2.8.1 The driver, not being the Proprietor of the licenced private hire vehicle, shall report or cause to be reported to the Proprietor of that vehicle and the Council any accident in which the vehicle is involved as soon as is reasonably practicable after the occurrence. In relation to the Council this shall be within 7 days.

2.9 Copy of Conditions

2.9.1 The driver shall at all times when driving a licenced private hire vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger if requested to do so.

2.10 Smoke Free Legislation

2.10.1 Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles. Appropriate 'No Smoking' signage must be displayed in the vehicle. Furthermore, any enclosed premise that is used as a workplace or is used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to

www.smokefreeengland.co.uk

2.11 Taximeter

2.11.1 If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver should not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and paid the fare.

2.12 Driving Licence Verification

2.12.1 All new applicants and each applicant on their renewal of their licence will be required to sign an authorisation under data protection law for this Council to verify the particulars that are disclosed on an applicant's driving licence with either the DVLA or other suitable body.

3.0. PASSENGERS

3.0.1 The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.

3.0.2 The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

3.1 Children

- 3.1.1 The following is an extract from guidance issued by the Department for Transport regarding Regulations that came into force in September 2006 .
- 3.1.2 It is impracticable to expect the appropriate/correct child seat or booster to be available in a taxi unless parents have brought one with them. Therefore, there is an exception, so that if child seats or boosters are not available in a taxi:
- under 3s must travel unrestrained in the rear only
 - those 3 years and above must use an adult belt in the rear seat only
 - remember that a child up to 135 cm in height travelling in a front seat of any vehicle must use the correct child seat or booster
- 3.1.3 No child should be allowed to travel in any form of pram or buggy unless the pram or buggy is adequately secured by a suitable method.

3.2 Lost Property

- 3.2.1 The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- 3.2.2 If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he/she shall deliver such property to the operator of the private hire vehicle as soon as possible.

3.3 Animals

- 3.3.1 The driver shall not convey in a private hire vehicle, when plying for hire or during a hiring, any animal belonging to or in the custody of himself / herself or the proprietor or operator of the vehicle and he/she shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle and that it is suitably contained or restrained so as not to cause a nuisance or hazardous to the occupants of the vehicle.
- 3.3.2 Notwithstanding (a) above a private hire vehicle must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action. For such exemption an application must be made to NBBC licensing team. Operators have the responsibility to ensure that their drivers / employees are aware of such condition when they are first employed.

4.0 DISCLOSURE OF INFORMATION (TO DETERMINE FIT AND PROPER PERSON)

- 4.0.1 It is a requirement that all new drivers have to submit, via a recognised body, a Disclosure of Information form to the Disclosure and Barring Service (DBS) It should be noted that new drivers will not be issued with a licence until all appropriate documentation is completed and the DBS form is returned to the Council Offices. The time taken for this search to return is not in Council's control. Applicants will have to pay separately for the DBS application and a separate fee will be charged for administration purposes.
- 4.0.2 Applicants will need to apply to the Update service and for a small annual subscription (payable to the DBS), have their DBS Certificate kept up to date, which will eliminate the need to complete a new DBS every 3 years on renewal of the drivers licence.
- 4.0.3 Those drivers that fail to take up DBS Update Service will be required to undertake and to pay for a manual DBS check **every 6 months**, with an associated NBBC

administration charge.

5.0 DEPOSIT OF LICENCE AND CHANGE OF OPERATOR

- 5.01 If the driver is permitted or employed to drive a private hire vehicle of which the operator is someone other than himself/herself, he/she shall before commencing to drive that vehicle deposit his/her private hire drivers' licence (either originals or copies) with that operator for retention by him/her until such time as the driver ceases to be permitted or employed to drive the vehicle.
- 5.02 If you decide to work for an operator different from that supplied at the time of your licence application, then before commencing work with the new operator, you must notify the Licensing Office, in writing, with details of your previous operator, new operator, new call sign and start date. The driver must also return his or her drivers' badge and licence for amendment.

6.0 MEDICAL CONDITION

- 6.1 The driver shall comply with the policy regarding Medical Examination in relation to his fitness to drive and shall:-
- (1) notify the Council in writing of any deterioration of their medical or ophthalmic condition arising during the period of the licence which may affect your ability to drive safely or requires you to notify the DVLA, you must notify the Licensing Office, in writing, within **3 days**
 - (2) if required to do so by the Council produce a certificate signed by a Medical Practitioner as to his/her fitness to be a driver of a vehicle
 - (3) if they are private hire drivers who also hold a PSV or HGV licence, they may submit a certified copy of their HGV or PSV medical certificate which runs within the same period

APPENDIX B



PRIVATE HIRE OPERATORS' LICENCE CONDITIONS

Local Government (Miscellaneous Provisions) Act 1976

1.0 INTRODUCTION

1.1 The Private Hire Operators Licence is granted to you subject to you complying with the relevant Policies and the following conditions of licence. Failure to comply with any of the policies or conditions could lead to a prosecution and/or your licence being suspended, revoked or not renewed by a Licensing Committee or Sub Committee.

1.2 Variation of Licence Conditions

1.2.1 The Council may vary any or all of the conditions herein contained at any time, following approval by the Licensing Committee and following a consultation process. The Council may change the wording of any condition with approval of the Director of Democracy, Planning and Public protection for purely clarification purposes only and a record of this change will be kept on record.

2.0 CONDUCT OF OPERATOR

2.1 The operator Shall

- (1) not transfer this licence to any other person nor does it authorise the licensee to operate from any address other than that specified herein.
- (2) The Operator must notify any change of his/her address to the Council's Licensing Section within 72 hours from the time thereof.
- (3) The operator shall ensure that any vehicle operated for hire by him/her in the Borough of Nuneaton and Bedworth and any driver of such vehicle complies with the licensing conditions imposed by the Council.
- (4) This licence must be produced on request to an authorised officer of the Borough Council or Police Officer.
- (5) 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 booked to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by some unforeseeable cause, attend punctually at the 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.
- (6) The premises from which the licence holder operates his business shall have planning permission for office or commercial use if appropriate, and the Operator must comply in every respect with the requirements of current Planning Legislation.
- (7) If the driver of a private hire vehicle delivers to the Operator any property accidentally left in the vehicle by a passenger, the Operator shall keep a record of such property (including when it was discovered) and as soon as possible, and in any event within 48 hours, return it to the passenger if known or otherwise deliver such property to convenient police station and obtain a receipt for it.
- (8) The Operator shall notify the Council of any discharge of circumstances relating to the business including changes of vehicles and the engaging and discharge of drivers.
- (9) The Operator shall within 7 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.
- (10) The Operator shall not accept a booking for, or permit to be conveyed in any vehicle operated by him/her, a greater number of passengers than that specified in the vehicle licence.
- (11) The Council may vary any or all of the conditions herein contained at any time, following approval by the Licensing Committee and following a consultation process. The Council may change the wording of any condition with approval of the Director of Democracy, Planning and Public Protection for purely clarification purposes only and a record of this change will be kept on record.

3.0 KEEPING OF RECORDS

3.1 The record required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively and the Operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-

- (a) the time and date of the booking.
- (b) the name and address of the hirer / passenger.
- (c) how the booking was made (i.e. by telephone, personal call, etc.);
- (d) time of the pick-up;
- (e) the point of pick-up;
- (f) the destination;
- (g) the time at which the driver was allocated to the booking;
- (h) the name of the individual who responded to booking request.
- (i) the name of the driver and record of driver number
- (j) the registration number of the vehicle allocated for booking;
- (k) remarks (including details of any sub-contract).
- (l) the name of the individual that dispatched the vehicle

3.2 The operator shall also keep a record of any private hire vehicle operated by him showing the following details:-

- (a) make of vehicle;
- (b) model of vehicle;
- (c) manufacturer of the vehicle;
- (d) registration number of the vehicle;
- (e) Proprietor and driver(s) of the vehicle;
- (f) any radio call sign of the vehicle;
- (g) Private hire vehicle licence number;
- (h) the issuing authority of the licence;
- (i) the date of expiry of the private hire vehicle licence.

3.3 All records kept by the Operator shall be produced upon request to any Officer authorised by the Council or to any Police Officer for inspection.

3.4 All records kept by the Operator, including the register for booking and dispatch staff shall be preserved for a period of not less than 6 months following the date of the last entry and kept at the premises where the provision is / was made for the invitation and acceptance of the booking for a private hire vehicle.

N.B. Electronic records may be kept instead of manual records, but they must include all information required by paragraphs (3.1) and (3.2) above. They must also record bookings in the order received and not be capable of allowing records to be inserted out of sequence.

4.0 OPERATORS BASIC DISCLOSURE and BARRING SERVICE

4.1 All new or existing operators will be required to submit a basic DBS on a yearly basis. This is not required if a suitable DBS is supplied to NBBC licensing team for another reason. It is important to note that the fit and proper test is also extended to any directors or partners in any company or partnership and would require a basic **DBS for those persons yearly** or if a new partner or director is appointed to the Company

5.0 BOOKING and DISPATCH STAFF

5.1 The operator will be required to keep a register of all staff that will take bookings or dispatch vehicles. In addition, all booking or dispatch staff should provide to the operator to view only a recent basic DBS certificate which should be recorded in the register. This can be undertaken by the operator or via a responsible organisation to request this check on their behalf. The register should be available for inspection by a duly authorised officer of the council or Police Officer. These records should be retained as per paragraph 3.4

APPENDIX C



Hackney Carriage and Private Hire Licensing

Penalty Points Scheme

Introduction

1. Hackney carriage and private hire operators, drivers and vehicles are primarily governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, and conditions set by the Council.
2. Should operators, drivers or proprietors of vehicles commit an offence or breach conditions of licence, persons involved will be asked to attend a meeting at Council offices for an interview and then once investigations are completed, letters will be 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.
3. The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement approach. The purpose of the scheme is to record misdemeanours and to act as a record of a driver's behaviour and conduct to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
4. The primary objectives of the penalty points scheme are to provide consistency in methods of enforcement and to improve the levels of compliance, so helping improve the standards, safety and protection of the travelling public.
5. Penalty points remain in force for twelve months. The period is on a roll forward basis, to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual.

Issue of Penalty Points

6. Complaints from the public concerning breaches of licence conditions or standards of conduct will be subject to investigation by Officers and may be reported to the Licensing Committee for the issue of discretionary points.
7. Where a licence holder accumulates more than 12 penalty points in any 12 month period, the matter will be referred to the Council's Licensing Committee for a decision on what action (if any) is to be taken. The Licensing Committee may, if appropriate, suspend or revoke a licence, or issue a warning to the licence holder, depending upon the circumstances. Periods of suspension of a licence by the

Committee will be dependent on the nature of the breaches of the legislation/ conditions and the compliance history of the individual.

8. Penalty points will remain current for 12 months from the date they were issued. Points issued to either the proprietor of a vehicle or a driver will be confirmed in writing within 10 working days from the discovery of the contravention by the Council.

9. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation.

10. Any disputes regarding the issuing of penalty points will be referred to the Licensing Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld. Drivers must submit appeals against any points issued by Officers to the Licensing Committee within 21 days of notification.

11. If points are issued to a proprietor/driver for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person(s) will not then be the subject of a prosecution by the Council for breach of licence conditions.

12. Certain infringements may result in drivers, proprietors and operators receiving penalty points – Points may be awarded to one or several persons depending upon the nature of the infringement. However, each case must be determined on its own merits

PENALTY POINTS SCHEME

Where an Officer believes that an offence / breach of condition is so serious the matter may be referred direct to the Licensing Committee

	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Proprietor	Operator
1	Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee	6	X	X	x
2	Failure to notify, in writing, the Council of change of address within 7 calendar days.	3	X	X	X
3	Refusal to accept hiring without reasonable cause e.g. drunk or rude customer (may be referred to the Committee)	1-12	X		
4	Unreasonable prolongation of journey(s) or any misconduct regarding the charging of fares.	6	X		
5	Plying for hire by Private Hire drivers	9	X		
6	Using unlicensed vehicle or vehicle without insurance	12	X	X	X
7	Failure to produce relevant documents within timescale when requested by an Authorised Officer	6	X	X	X
8	Unsatisfactory condition of vehicle, interior or exterior	4	X	X	X
9	Vehicle being presented for inspection for MOT / Compliance check which is considered by the inspecting officer to be unroadworthy or dangerous	12		X	X
10	Vehicle being presented for MOT which fails on 3 safety-related items	4		X	X
11	Failure to provide proof of insurance cover when requested	6	X	X	X
12	Failure to produce hackney carriage or private hire vehicle for testing when required	6		X	X
13	Using a vehicle subject to a Suspension Order issued by an authorised officer or a police officer	12	X	X	X
14	Using a vehicle for which the licence has been suspended or revoked	12	X	X	X

15	Failure to report, in writing and within 72 hours, an accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions	4	X	X	X
16	Carrying more passengers than stated on the vehicle licence	12	X		
17	Failure to display external/internal licence plate or signs as required.	4	X		
18	Carrying an offensive weapon in the vehicle	12	X		
19	Failure to notify transfer of private hire or hackney carriage vehicle licence outside of specified period.	4		X	X
20	Failure to carry fire extinguisher	4	X	X	X
21	Failure to carry first aid kit	3	X	X	X
22	Displaying unsuitable, inappropriate, or inappropriately sited signs or advertisements in or on the vehicle	3	X	X	X
23	Failure to use authorised roof light (hackney carriages)	4	X		
24	Failure to produce on request records of driver's work activity	6			X
25	Using a non-approved or non-calibrated taximeter	6		X	X
26	Obstruction of an authorised officer or police officer	6	X	X	X
27	Failure to assist or provide any relevant information concerning any potential offence, breach of licence conditions, and investigation of a complaint.	1-12	X	x	x
27	Evidence of smoking in vehicle	3	X		
28	Evidence of food or drink in vehicle.	3	X		
29	Displaying any feature on private hire vehicle that may suggest that it is a taxi	6	X	X	X
30	Using a vehicle, the appearance of which suggests that it is a taxi.	6	X	X	X
31	Failure to carry an assistance dog without requisite exemption	6	X		
32	Driver not holding a current DVLA Licence	12	X		
33	Failure to wear driver's badge	4	X		
34	Failure to notify, in writing, a change in medical circumstances	6	X		
35	Unsatisfactory appearance of driver, which has safety implications i.e. inappropriate footwear.	3	X		

36	Failure to observe rank discipline (hackney carriage)	3	X		
37	Failure to maintain proper records of private hire vehicle	3-6	X	X	X
39	Failure to keep or produce records of private hire bookings or other documents required to be kept or produced	6		X	X
40	Failure to issue receipt on request (may be referred to the Committee)	1-12	X		
41	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation, surrender or suspension of such licence	4		X	X
42	Unsatisfactory behaviour or conduct of driver to any officer, police, member of the public or passenger (may be referred to the Committee)	1-12	X		
43	Failure to notify the Council, in writing, of any motoring or criminal convictions within 7 days of conviction, or cautions, during period of current licence	6	X	X	X
44	Failure to behave in a civil and orderly manner to member of the public, member of staff or other driver	1 - 12	X		
45	Failure to give assistance with loading/unloading luggage (1-12	X		
46	Failure to display fare card	3-6	X		
47	Failure to attend punctually at appointed time and place without sufficient cause	4	X		
48	A licensed vehicle with a bald, illegal or damaged tyre	4 per tyre & suspension	X	X	X
49	Failure to submit licence renewal application including documents and attendance at a vehicle inspection	6	X	X	X
50	Failure to comply with any other conditions	3	X	X	X
51	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless loading or unloading passengers	3	X	X	X
52	On appeal the Committee may add additional points if it considers the appeal to be frivolous or vexatious.	4 - 12	X	X	X
54	Failure of applicant to show Licensing Section returned DBS within 5 working days of receipt	4	X		

APPENDIX D

National Fraud Initiative

Fair Processing Statement

This authority is required by law to protect the public funds it administers. It may share information provided to it with other bodies (Councils, government agencies and associated partners) responsible for; auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud.

Data matching involves comparing computer records held by one body against other computer records held by the same or another body to see how far they match. This is usually personal information. Computerised data matching allows potentially fraudulent claims and payments to be identified. Where a match is found it may indicate that there is an inconsistency which requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

National Fraud Initiative

The Cabinet Office is responsible for carrying out data matching exercises.

We participate in the Cabinet Office's National Fraud Initiative: a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data to the Minister for the Cabinet Office for matching for each exercise, as detailed [on the .gov.uk website\(link is external\)](#).

The use of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under the Data Protection Act 2018.

Data matching by the Cabinet Office is subject to a [Code of Practice\(link is external\)](#)

View further information on the [Cabinet Office's National Fraud Initiative Privacy Notice](#)

Nuneaton and Bedworth Borough Council

Hackney Carriage and Private Hire Driver Training Policy

INTRODUCTION

Nuneaton and Bedworth Borough Council recognises that the role of Hackney Carriage and Private Hire Drivers is a professional one. Hackney Carriage and Private Hire Drivers transport our most vulnerable persons and are often the first point of contact for visitors to the Borough

The reason for this policy is to ensure that the travelling public within Nuneaton and Bedworth can be confident that the drivers licensed by the authority have been trained to the highest standard.

1. REQUIREMENTS

All new applicants will have to undertake the following training and testing.

- An English test
- A Numeracy test
- Local knowledge test (may be different for taxi and private hire)
- Wheelchair users training
- Users with assistant dogs

Safeguarding training - test to include

Adults safeguarding

Vulnerable passengers

Elderly passengers

Disability awareness

Recognising nonvisible disability

Child Sexual Exploitation

Equalities / disability training

2. REQUIREMENTS OF THE TEST

The applicant will be given three attempts to complete and pass the training programme. If the applicant fails any element of the tests three times, they will not be allowed to be given the opportunity to book onto the training programme for a period of twelve months.

Each element must be passed and retests will be allowed on specific elements of the training which have been failed following retraining on the element if appropriate.

Should applicants fail the English or Numeracy tests then applicants are recommended to seek and undertake training by an external organisation themselves before resitting the test.

3. OTHER REASONS FOR HAVING TO COMPLETE MODULES

There may be occasion for the licensing authority to require an existing licensed driver to complete and pass one or more of the training modules. This may be the result of a substantiated complaint, for example, about the standard of English, the standard of driving, the standard of customer care, attitude of the driver (this list is not exhaustive) or if the licensing authority believes that a driver's standard of driving or behaviour falls below the standards required.

4. PREVIOUS QUALIFICATIONS

Candidates who can demonstrate (by producing the original certificate and/or examination transcript) that they have previously passed a relevant English language and or mathematical qualification at a suitable level, which was assessed by a recognised and accredited qualification awarding body, will not be required to take the additional speaking and listening assessment or numeracy tests . It is not possible to provide an exhaustive list of all the qualifications that will be accepted, however, typical examples may include:

- GCSE or GCE O-level (grade C or higher) or Scottish Intermediate 2
- GCE A-level or Scottish Higher
- NVQ, BTEC, City and Guilds or similar vocational qualification (level 2 or higher)
- Higher education award (for example a degree, HND or HNC)
- a TOEFL, IELTS or ESOL qualification at CEFR level B2 or higher (or equivalent)

Technical or IT-related qualifications are unlikely to be acceptable for this purpose.

We will be looking for qualifications which include a significant amount of verbal or written content in the English language.

In all cases, the Licensing Section's decision as to whether to accept a qualification not listed above will be final. If a candidate does not hold one of these qualifications, or cannot produce acceptable evidence of the qualification, they will be required to undertake the speaking and listening assessment and numeracy test.

Extract from HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING VEHICLE POLICY

4.10 New/Replacement Licensed Vehicle - Exceptional Condition

- 4.10.1 Nuneaton and Bedworth Borough Council will permit the licensing of a vehicle if it can be shown that the vehicle is in exceptional condition. The exemption is not designed to licence a vehicle which is in average condition and it is important that applicants recognise this.
- 4.10.2 In regards to new or replacement vehicles, it is the applicant's responsibility to ensure that the vehicle will comply with the Council's policy and it is recommended that if there is any doubt that a vehicle will comply the applicant should contact the Licensing Section before purchase

Vehicles that are emission standard Euro 6, Euro 5, or which are an Ultra-Low Emission Vehicle (ULEV), or have been converted to such standards will be licenced without any mileage criteria, provided they comply with all other licensing conditions and are as per manufacturer's specification in relation to emissions. A ULEV vehicle is defined as having a pure electric engine, a plug-in hybrid engine, or a vehicle with CO2 emissions below 75 g/km.

Older Vehicles

New and replacement vehicles which are Euro 4 or below will only be licensed if the mileage is as follows:-

For purpose-built wheelchair accessible vehicles this will increase from first date of registration by 20,000 per year and for other vehicles by 12,000 per annum from first date of registration.

e.g. an 11 year old purpose-built wheel chair accessible vehicle which **is a Euro 4 or below** will only be licensed if the mileage is less than 220,000 (11 x 20,000). Other licensing conditions including exceptional condition will also apply. Euro 5 and 6 vehicles will be licensed at any mileage but the exceptional condition will still apply.

All existing vehicles presently licensed with the Authority will not be affected

- 4.10.3 Successful applications for the grant of a licence under the exceptional condition rule will be assessed against the following criteria:

- Must meet the requirement of the current edition of the Hackney Carriage and Private Hire Vehicles – National Inspection Standards – the best practice guide.
- The bodywork should be in near-perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
- The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
- The interior trim, panels, seating, carpets and upholstery should be in excellent condition, clean and free from damage and discolouration.
- The boot or luggage compartment must be in good condition, clean and undamaged.
- Passenger areas should be free from damp or any odours that may cause passenger discomfort.
- The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
- The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification and proof of mileage will be required.

4.10.4 If a vehicle cannot meet all the conditions listed above, then it will not be considered to be in 'exceptional condition'.

4.10.5 The age of vehicle will be determined by either the date of first registration as shown on the registration document or, in the case of a vehicle first used outside of the UK, when first used on a road of any description.

4.10.6 DfT Guidance also advises licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental initiatives, for example, by setting vehicle emissions standards or promoting cleaner fuels. The Council will consider all applications for vehicles using alternative fuels on their individual merits and has indicated in its Air Quality Action Plan that it wishes to work towards the introduction of an emissions policy for taxis and private hire vehicles to assist with the reduction of NO_x and other pollutants in the Borough.

4.10.7 Work relating to potential further changes in emissions standards for licensed vehicles is on-going and any future proposed revision to the Council's policy will be subject to public consultation at the appropriate time.