

24 March 2021 at 5.00 pm

This meeting will be held virtually via Zoom,  
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Published: 16.03.21



## Licensing Committee

### Membership:

Chairman, Cllr. Clack; Vice-Chairman, Cllr. Pett  
Cllrs. Abraham, Dr. Canet, Carroll, Coleman, Esler, Hunter, Layland, Parkin and Raikes

### Agenda

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To agree the Minutes of the meeting of the Committee held on 5 January 2021, as a correct record	(Pages 1 - 8)	
2. <b>Declarations of interest</b> Any interests not already registered		
3. <b>Actions from the previous meeting</b>		
4. <b>Hackney Carriage and Private Hire Licensing: Licence Fees and Charges 2021/2022</b>	(Pages 9 - 24)	Sue Lindsey Tel: 01732227491
5. <b>Department For Transport Statutory Taxi &amp; Private Hire Guidance Feedback and Subsequent Amendments to Policy</b>	(Pages 25 - 122)	Sue Lindsey Tel: 01732227491
6. <b>Work Plan</b>	(Pages 123 - 124)	

### EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).



LICENSING COMMITTEE

Minutes of the meeting held on 5 January 2021 commencing at 5.00 pm

Present: Cllr. Clack (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Abraham, Dr. Canet, Coleman, Esler, Hunter, Layland, Parkin and Raikes

41. Minutes

Resolved: That the Minute of the Licensing Committee held on 22 September 2020 be agreed and signed by the Chairman as a correct record.

42. Declarations of interest

There were none.

43. Actions from the previous meeting

There were none.

44. Hackney Carriage and Private Hire Licensing: Licence Fees and Charges 2021/2022

Members considered the report which proposed an inflationary increase of 2.5% to Hackney Carriage and Private Hire Licence fees from April 2021. If there were adverse comments received the fees would come back to a future meeting of the Committee.

Following questions, it was clarified to Members that the DBS online update service at an annual cost of £13 for drivers would cost less for drivers in the long run as drivers were previously required to pay £40 every three years.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) the levels set out below, be approved for consultation with the taxi trade;

## Agenda Item 1

Licensing Committee - 5 January 2021

### Hackney Carriage Driver Licence

	Proposed Cost
Knowledge Test	£51.50 per test
EQUO online test	£66
Fee on initial application	£204 for three years
Total New Licence	£321.50
On Renewal	£112 for three years
Total Renewal Licence	£112 for three years

### Dual Driver Licence

	Proposed Cost
Knowledge Test	£51.50 per test
EQUO online test	£66
Fee on initial application	£204 for three years
Total New Licence	£321.50
On Renewal	£112 for three years
Total Renewal Licence	£112 for three years

### Hackney Carriage Vehicle Licence

	Proposed Cost
New and Renewal Application	£244 for one year

### Private Hire Operator Licence

	Proposed Cost
Initial application for 5 year licence	£530 for five years
Renewal for 5 year licence	£514 for five years
Initial application for 3 year licence	£364 for three years

	Proposed Cost
Renewal for 3 year licence	£348 for three years
Initial application for 1 year licence	£200 for one year
Renewal for 1 year licence	£187 for on year

Private Hire Driver Licence

	Proposed Cost
Knowledge Test	£51.50
EQUO Online Test	£66 per test
Fee on initial application	£204 for three years
Total New Licence	£321.50
On Renewal	£112 for three years
Total Renewal Licence	£112 for three years

Private Hire Vehicle Licence

	Proposed Cost
New and Renewal Application	£244 for one year

Additional Costs

	Proposed Cost
DBS application	£40
DBS administration fee	£50
Change from Hackney Carriage to Private Hire	£78
Change from Private Hire to Hackney Carriage	£99
Replace Vehicle Plate	£26
Replace Driver Badge	£11.50

	Proposed Cost
Vehicle test/re-test/partial re-test to be paid direct to the garage so not set by Sevenoaks District Council	
Change of Ownership of licensed vehicle	£77
Copy of existing paper licence	£13.50
Change of address details for a replacement licence	£13.50
Change of name for a vehicle or operator licence	£13.50
Change of name and address for a driver badge	£24
Vehicle exemption certificate	£50
General Admin Fee	£50
Medical fee to be paid directly to GP or other medical practitioner	

#### Replacement Vehicles

If a vehicle licence is surrendered within 6 months of issue, a refund of £60 will be issued.

If a licensed vehicle is replaced temporarily for up to 2 months because of damage to it then the fee will be £95 to licence the replacement vehicle.

Vehicle garage test costs will be taken separately (see fees above)

b) if, following consultation, there are no adverse comments to the proposed fees, that the fees be implemented from 1 April 2021.

#### 45. Gambling Act 2005: Licence Fees from April 2021

Members considered the report which set out the proposed fees for Gambling Act 2004 for charges for licences, permits and associated items issued under the Gambling Act as set out in Appendix A. The fees had been set 2021-2022 to include the current inflationary cost of 2.5% set by the Council. The fees ensured that the Council complied with its statutory duty and ensured that the Gambling Licensing service remained self-financing in accordance with the Council's Service and Budget plan.

#### Public Sector Equality Duty

Members noted that consideration had been given to impact equality assessments.

Agenda Item 1  
Licensing Committee - 5 January 2021

Resolved: That the level of fees and charges as set out below be approved from 1 April 2021.

	New Application	New Application	New Application	Annual Fee	Annual Fee	Annual Fee
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a
New Small Casino	<b>8000</b>	(8000)	7960	<b>4528</b>	(5000)	4418
New Large Casino	<b>9391</b>	(10000)	9162	<b>7309</b>	(10000)	7131
Bingo Club	<b>2316</b>	(3500)	2260	<b>813</b>	(1000)	794
Betting Premises (excluding Tracks)	<b>2911</b>	(3000)	2840	<b>589</b>	(600)	575
Tracks	<b>1815</b>	(2500)	1771	<b>813</b>	(1000)	794
Family entertainment Centres	<b>1815</b>	(2000)	1771	<b>668</b>	(750)	652
Adult Gaming centre	<b>1815</b>	(2000)	1771	<b>750</b>	(750)	750
Temporary Use Notice	<b>234</b>	(500)	229	n/a	n/a	n/a

	Application to Vary	Application to Transfer	Application for Re-Instatement	Application for Provisional Statement	Licence Application (provisional Statement holders)	Copy Licence	Notification of Change
	£	£	£	£	£	£	£
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a	n/a
New Small Casino	<b>3986</b>	<b>1771</b>	<b>1771</b>	<b>8000</b>	<b>2931</b>	<b>12</b>	<b>30</b>
New Small Casino	(4000)	(1800)	(1800)	(8000)	(3000)	(25)	(50)
New Small Casino	3889	1675	1649	8000	2860	12	29
New Large Casino	<b>4460</b>	<b>2150</b>	<b>2150</b>	<b>9396</b>	<b>4303</b>	<b>12</b>	<b>30</b>
New Large Casino	(5000)	(2150)	(2150)	(10000)	(5000)	(25)	(50)
New Large Casino	4352	2128	2128	9167	4199	12	29
Bingo Club	<b>1742</b>	<b>1200</b>	<b>422</b>	<b>2316</b>	<b>1200</b>	<b>12</b>	<b>30</b>
Bingo Club	(1750)	(1200)	(1200)	(3500)	(1200)	(25)	(50)
Bingo Cub	1700	1200	412	2260	1200	12	29
Betting Premises	<b>1500</b>	<b>1200</b>	<b>401</b>	<b>1815</b>	<b>1200</b>	<b>12</b>	<b>30</b>

# Agenda Item 1

## Licensing Committee - 5 January 2021

Betting Premises	(1500)	(1200)	(1200)	(3000)	(1200)	(25)	(50)
Betting Premises	1500	1200	392	1771	1200	12	29
Tracks	1250	950	401	1769	950	12	30
Tracks	(1250)	(950)	(1200)	(2500)	(950)	(25)	(50)
Tracks	1250	950	392	1726	950	12	30
FEC's*	1000	950	406	1810	950	12	30
FEC's	(1000)	(950)	(050)	(2000)	(950)	(25)	(50)
FEC's	1000	950	397	1766	950	12	29
Adult Gaming Centre	1000	1200	406	1810	1200	12	30
Adult Gaming Centre	(1000)	(1200)	(950)	(2000)	(1200)	(25)	(50)
Adult Gaming Centre	1000	1200	397	1766	1200	12	29
TUN**	n/a	n/a	n/a	n/a	n/a	12	30
TUN	n/a	n/a	n/a	n/a	n/a	(25)	(50)
TUN	n/a	n/a	n/a	n/a	n/a	12	29
TUN**	n/a	n/a	n/a	n/a	n/a	12	30
TUN	n/a	n/a	n/a	n/a	n/a	(25)	(50)
TUN	n/a	n/a	n/a	n/a	n/a	12	29

\*FECs = Family Entertainment Centres

\*\* TUN - Temporary Use Notice

### 46. Sexual Entertainment Licensing Fees

Members considered the report for Sexual Entertainment Licensing which had not been changed from those agreed in 2020 as the Licensing Department had not received or processed an application for a Sexual Establishment within the Sevenoaks District. The fees ensured that the Council complied with its statutory duty.

### Public Sector Equality Duty

Members noted that consideration had been given to impact equality assessments.



Resolved: That the level of fees and charges as set below be approved from 1 April 2021.

Type of Application	Fee
New Application	3641
Renewal Application	3641
Transfer Application	1825

47. Work Plan

The work plan was noted with the addition of an Annual Licensing Partnership Update for the meeting on 17 June 2021.

THE MEETING WAS CONCLUDED AT 5.17 PM

CHAIRMAN

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**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING: LICENCE FEES AND CHARGES 2021/2022**

**Licensing Committee - 24 March 2021**

**Report of:** Chief Officer Planning & Regulatory Services

**Status:** For Decision

**Key Decision:** No

**Portfolio Holder:** Cllr. McArthur

**Contact Officer:** Susan Lindsey Ext. 7491

**Recommendation to Licensing Committee:**

That, having taken into account the responses received (shown on the table in **Appendix A** and the response at **Appendix B**) the proposed fees and charges listed in **Appendix C** be adopted with effect from 1 April 2021

**Reason for recommendation:**

To ensure that the Council complies with its statutory duty and to ensure that the 'taxi licensing' service remains self-financing, in accordance with the Council's Service and Budget Plan.

**Introduction and Background**

- 1 At the Licensing Committee on 5 January 2021, members approved the proposed fees (set out in **Appendix C**) for publication, consultation and implementation with effect from 1 April 2021, subject to consideration of any unresolved written objections.
- 2 The proposed fees were advertised and the Authority received 6 responses (listed in Appendix A & B) which included concerns that this is not an appropriate time to increase fees. Therefore, this matter must be considered by the Licensing Committee and a decision be made as to whether to adopt or modify the proposed fees for implementation from 1 April 2021.
- 3 The taxi licensing service is required to be self-financing and the proposed increases to fees will ensure this is maintained.
- 4 Careful monitoring of income and expenditure has been carried out over the current financial year and the income from licence fees and associated

## Agenda Item 4

costs, together with expenditure has been in accordance with the objectives laid out in the budget plan. There are minimal changes to the fees this year with only an inflationary increase of 2.5% proposed.

- 5 The type of tasks involved in taxi licensing applications include: assistance to applicant, checking of an application upon receipt, processing the application. Once processed, determining the licence or arranging a hearing and holding and attending a hearing, notification of the decision, preparation and issue of the licence, updating records and registers, appeal preparation and appearing at an appeal hearing. The training of Officers and Members has also been included, as well as the cost of consumables.

### **Key Implications**

#### Financial

The cost of licence fees takes into account the need to maintain a 'self-financing' position for the service. The proposals contained in this report will achieve this.

#### Legal Implications and Risk Assessment Statement

Should parts of the industry believe the Authority's fees are at a level which is greater than the costs of the statutory function, then it is open to them to undertake a 'judicial review proceeding'. Should this arise, the Authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

#### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users

#### **Appendices**

Appendix A - Responses received to proposed fees 2021/2022

Appendix B - Response D.Mason to proposed fees and new Statutory Guidance

Appendix C - Fees & Charges for 2021/2022

#### **Background Papers**

None

**Richard Morris**  
**Chief Officer Planning and Regulatory Services**

## APPENDIX A

### Responses to Fees and Charges 2021/2022 Consultation

#### Austin Blackburn

I do not have a problem with inflationary increases, but this may be untimely for many in the taxi industry whilst there is so little work

I am little confused on how we pay for our two MOT's per year. Is it part of the initial PH operators licence fee?

Vehicle Exemption certs seem a good idea for those in that business.

When would we be subject to the general admin fee. I think this needs to be stated or examples given.

#### Officer Comments:

I note your concern that this inflationary increase is untimely and your comment with regard to this will be brought back before the Licensing Committee in March for further consideration.

Currently the 2 annual garage test fees are included in the vehicle licence fee. What is proposed is to remove this from the vehicle licence fee. Vehicle proprietors will telephone through to the Sevenoaks Customer Solutions Team to book their vehicle garage tests (the same as they currently do), and payment for the garage test will be taken at this point.

The general admin fee is proposed to support the processing of 6 monthly manual DBS checks on any drivers who do not take the opportunity to register with the DBS update service. It will also give the local authority the ability to charge an administrative fee should further changes to the service with serious resource issues be raised at future dates. This will enable us to keep the service at a self-funding level.

#### Ian Griffin

The decision to increase the charges across the board are clearly taken by people who have received their full salary/pension during the last 10 months.

I wouldn't expect a reduction from any council, let alone Sevenoaks, but when many of the drivers are living on a greatly reduced wage any increase is just another slap in the face. It can take years to save a few thousand pounds just a few weeks to live on it.

Then you bring in additional charges £50 for ten/fifteen minutes work and a piece of good quality paper, to issue an exemption certificate. Could be looked upon as a good hourly rate.

I do appreciate you have to make difficult decisions but you're hitting already badly damaged men and women.

I urge you to reconsider these increases, as the pandemic is a long way from finishing and something near to normal it's months if not years beyond that.

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Additionally has the council spent any time looking for ways to help the drivers without it costing the council money. I appreciate changes only usually happen at the five year review but this is a once in a century catastrophe and any help would be grateful.

I would like to suggest increasing the age to which vehicles are allowed to continue working, the inspections are very thorough at Dunbrik, and with the rise of hybrid and electrical vehicles and a high purchase cost, the drivers need time to save or get out of debt before trying to buy their next vehicle.

Please look to help the drivers, don't just look at us as a revenue stream.

Officer Comments:

Many thanks for your response to the taxi fees and charges consultation. Your comments will be included in the report going to the Licensing Committee for consideration.

David Miller

I have just received a email about increasing the fees from April 2021.

It says respond to this email address to comment on fees.

I think it outrages putting up fees especially in the circumstances we are in with covid.

My work had reduced significantly due to covid and it is hard enough paying to get by as it is.

Officer Comments:

Your comments with regard to the proposed fee structure for 2021-2022 will be placed before the Licensing Committee in March for their consideration when making their final determination on next years fees.

D.Norcott

Please clarify for me the following charges

- 1: Does the £244:00 include the vehicle plate and 6 monthly test?
- 2: What does the DBS administration fee include (as most of the paper work is done by the applicant and their is already a charge for that)?
- 3: What does the term general admin fee mean?
- 4: Can the payment to the garage be paid in cash?

Officer Comments:

1. The £244 does not include the cost of any vehicle garage tests. Charges for vehicle garage tests will be taken separately when the appointment is made. The £244 includes the cost of a vehicle plate.

2&3 It is hoped (following the implementation of the new Statutory Guidance by the Department of Transport) that all licensed drivers will take advantage of the DBS Update Service at a cost of £13 per year. This will enable SDC to access licensed driver DBS records online whenever necessary (the statutory guidance requires checks are made every 6 months rather than every 3 years).

Failure to subscribe to this online update service will mean a manual check will have to be made every 6 months. The cost of these manual checks are £40 each (which is the cost SDC are charged by the DBS). At present no administration charge is made for the processing of these applications - but the move to check drivers from every 3 years to every 6 months could have a huge impact on Council resources should drivers not sign up to the update service.

We are, therefore, proposing to introduce a £50 administration fee (which will cover the time it takes an Officer to check and validate all the original documentation, send the documentation back to the applicant, complete and authorise the required DBS form, send the application to the DBS and upon receipt of DBS certificates : update the Council records accordingly.

I am proposing that the initial DBS application a driver needs to submit in order to get registered with the update service will not include the administration fee - but, once this DBS check is done, a driver will be expected to sign up to the online service. Should a driver not do so, manual checks will be made every 6 months, and a charge of £90 will be made (£40 DBS fee + £50 administration fee).

4. At present I do not have the answer to this question : it is proposed payment for the garage inspection will be taken by the Customer Solutions Team at Sevenoaks District Council when the appointment is made. There is a cash machine in the lobby of the Council Offices, but I am not sure at this time whether this will be configured to take such payments. I think possibly the wording of my fee chart might be confusing - I do not propose you pay Dunbrik direct, but you pay the Customer Solutions Team at SDC when making your garage inspection appointment - rather than this being taken up-front within the cost of the vehicle licence.

#### Lucy (Relyon)

We have calculated that the approx. cost of becoming a PH taxi driver is just short of £600! Various reasons equate to this figure, not just the price increases from the council, but additional EQUO test, and also with drivers now having to have a medical at their own GP surgery with that approx cost at £150.

Computerised Knowledge Test £51.50

EQUO Online Test £66

initial Application £204

DBS £40

Medical £150

Driving Test £70

You have created an increase of £42 on the initial application. Plus the extra £66

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for the EQUO test. Overall the new applicant is paying an additional £109.50 just on your costs. And that is before they have paid for the driving test and medical!

The extra £50 DBS Administration fee - please confirm when this is payable? How often? That is another cost the driver will be hit with.

This industry has been particularly hard hit during this pandemic and is on it's knees. We do not even have the capability now of the council helping us employ new drivers.

Any increase in price at this current time is going to impact even more on this industry, but these price hikes will put even more people off becoming a taxi driver and affect an already struggling industry.

I fear that potential new applicants won't be able to afford all the initial outgoings to become a taxi driver. With the new test that is being introduced along with the regular DBS checks which create additional fees, is there no government funding available to the council rather than passing the costs onto new applicants?

Officer Comments:

Many thanks for your email and I do sympathise that these are extremely difficult times for everyone.

The Department of Transport issued Statutory Taxi & Private Hire Standards in June 2020 which focus on the protection of children and vulnerable adults. Part of these Standards cover the requirement for Licensing Authorities to implement safeguarding, county lines gangs and exploitation training to all taxi and private hire vehicle drivers.

The EQUO training we are implementing cover, not only these subjects, but also equality and disability awareness for drivers and allows each driver up to 10 tests.

With regard to the medical costs: This matter was put before the Sevenoaks District Council Licensing Committee in January 2019 who agreed a 6 week consultation. Following this consultation, the Licensing Committee agreed this change, having taken into consideration all responses to that consultation.

With regard to the £50 administration fee : Drivers who register for the DBS update service will not incur this cost (the online update service being a cheaper option at £13/year). It is proposed to implement the 6 monthly DBS checks when individual drivers are next due their 3 yearly DBS check. This is to ensure no additional financial burden will be placed upon drivers who are either new or who have recently undertaken this process. We will notify each driver when he is due to undertake his next DBS check and this will be done for a fee of £40 (which is the fee charged by the DBS) in the normal way. Each driver will then be expected to register with the DBS update service which is a cheaper option for the driver than the manual check. Following this, if a driver does not register with the DBS update service, then 6 monthly manual checks will be undertaken which will incur the



additional administrative fee of £50 (on top of the DBS fee of £40). As you can imagine; the move from 3 yearly checks to 6 monthly for each driver will have a huge resource effect on the Licensing Team should the uptake of the online registration not be implemented : and the cost of administering this additional manual service in officers time checking the documentation, making each return to the DBS, and updating our records will be considerable.

I will submit your comments and my response to the Licensing Committee for their consideration.

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## APPENDIX B

### Responses to Fees and Charges 2021/2022 Consultation

Denise Mason

**An inflationary increase of 2.5% to ensure our taxi licensing service is self-financing.**

1. In response to the proposal to increase the taxi licensing service by 2.5%, the Bank of England does not envisage the country reaching an inflation rate of 2% until at least 2022 and beyond. The last 12 month CPIH inflationary rate, according to ONS, was 0.8% and the CPI rate only 0.6%. In the previous year it was 1.2% so why is the Council proposing an inflationary rate for 2021 at a rate of 2.5%, and at a time when it is not anticipated a rate that goes anywhere near this will be reached until 2023 or beyond according to the Bank of England? What recognition to the current extraordinary set of circumstances caused by a pandemic and any subsequent repercussions going forward have been considered and accounted for?
2. Sevenoaks Council finance team replied to my request for further information on how the proposed rate of 2.5% was set, stating “it was in the 10 year Budget Plan”. Without publishing any data to show past costs and/or future assumptions on license applications or a break down of actual costs the need just cannot be understood or justified by us as the customer of this process.
3. Are anticipated figures and costs for example based on trends? How many operator and individual driver applicants were processed in the years 2018/19? And 2019/2020 ? Were previous and past years anticipated costs realised? Did you come in on budget or not? How many licences are actually held and how many do the council anticipate they will be processing and receiving revenue from across 2021/22 in demand and cost comparison? What influence or impact do fluctuating numbers have on the overall costs for the licensing department? What goals and performance measures are set against this service and are they realised?
4. According to Council Committee papers dated January 2019, efficiency savings were made last year. Encouraging but what if any savings have been realised from this strategy? How have the relevant departments and teams managed licensing costs year on year to arrive at the need to increase costs at a rate of 2.5% or taken into account one off or on going savings? Given inflationary rates of 2.5% have not been seen since prior to 2017, according to the Bank of England, how does the finance department justify requiring

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the Taxi and Private Hire industry to pay over and above the current inflationary rates for this year and even the previous year?

5. It is fair to argue the majority of businesses in this industry will not be in recovery during 2021 as the effects and measures of the current pandemic will still be felt. Of course the same can be said for Councils but central government has provided over £7.2 billion of additional expenditure to local authorities where the majority of that is un-ringfenced to enable the council to respond to local pressures and priorities. Whilst operators and individuals are able to apply for grants which are a lifeline and I offer my gratitude to the Council for approving a grant to Country Hire and Go, operational costs still need to be met and CBILS will begin repayments from Spring onwards. With no return revenue there is a serious risk operators and individuals will lose jobs. In fact any size taxi/private Hire companies may not survive at all. Increasing licensing costs to a level significantly above the inflationary rate doesn't appear to be supportive of economic recovery for this industry and the services it provides to communities. Do the Council have any financial plans to support the economic growth of this industry over and above individual grants?
6. As a new Private Hire Taxi Operator with experience of the licensing process, it was arduous and fraught with unnecessary complications and delays. It appeared physical resources were unable to manage the demand and flow of applicants swiftly to avoid delay in processing applications understood by the lack of insufficient digital tablets required for on line testing. Last year applicants were advised to book but they could also attend ad hoc on the chance another applicant may fail to attend but this led to many applicants turning up as early as possible to jump ahead leading to disappointments and frustrations. Given that passing this stage is fundamental in proceeding through the next stages of application, has this element improved and going forward has a costing process determined the need for more or less tablets and how does this equate to increased costs this year?

**To meet new Department of Transport guidance, new drivers will be encouraged to sign up to the DBS online update service at an annual cost of £13. Checks have increased from every three years to every six months. A new admin fee will cover the processing costs for checks that need to be carried out manually.**

7. Promoting the update system is a positive move which should see a reduction in costs to the Council and this industry which should see a high uptake if promoted well. It should enable security checks to be undertaken more quickly

and accurately and to monitor and respond to changes, ultimately reducing potential risks of harm. Given the likelihood of a high uptake surely this will become a less onerous task as it will not require the previous exchange, processing and filing of numerous digital and paper documents. How will costs of the new process off set against that previous method of checking? Albeit it maybe more frequent, but extensively it is more automated, digital and less time consuming.

**A new, more comprehensive 'EQUO' online test will replace the safeguarding part of our current 'Knowledge' test. The new test will cover additional areas, including disability awareness. We will use an external company to deliver the test and this will be funded by the newfee.**

8. Ongoing and up to date training must be a priority. At a cost of £66 per individual, what does this consist of? and how was EQUO procured? Will the applicant be required to attend a test centre at the same time as the knowledge test and as mentioned above, will there be adequate resources to ensure applicants can take these tests within a reasonable time frame and without unnecessary delays?

Further to safeguarding, in accordance with Sevenoaks Licensing policy to record and retain personal data, ICO registration is another measure of control to reduce those risks. It is a legal requirement that operators register with the ICO. Whilst it is individuals and operators responsibility to have a good understanding of the legal requirements within which the industry must operate, a simple check shows many operators under Sevenoaks Council are not compliant. Out of ongoing concerns I have made previous representations to the Council to take some form of action to deal with this problem. ICO registration requirements are managed within the GDPR framework and the purpose of these measures are intrinsically linked to DBS procedures, i.e determining someone's status, their access to personal data and managing risks of harm. Whilst particular individuals may not be required to undertake enhanced DBS checks due to assessment of their status, if the operator has not fulfilled their requirement to register with the ICO what does that say about their commitment, understanding of and ability to comply with safeguarding rules and regulations? To reply that there are many legal requirements for the industry and it is not for the Council to manage ICO registration is surprising. In terms of safeguarding, incorporating this into training and the licensing service should not be onerous and must surely be an obligation on the Council? I am fairly confident the industry would support this obligation.

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**The Vehicle Licensing fee for the MOT test has been removed from our fees. The fee will be paid directly to the test station at the time of booking. This removes the administrative burden of recharging the fees.**

9. Will this reduce costs to the Council and if so by what percentage of the overall costs?

**Vehicle Exemption Certificate is where Private Hire vehicles are used exclusively for executive hire and wish to be exempt from displaying their Private Hire vehicle plate. Introducing this fee will cover the cost of the work needed and bring us in line with our licensing partners.**

10. Is this solely an administrative exercise with paper certificate?

**The General Admin Fee is used to cover any work that does not fall under the usual fees. Our licensing partners currently charge this fees**

11. Are these internal partnerships and what is the fee?

### Conclusion

Whilst fully appreciating the Council must ensure this service is self funding there appears to be a lack of transparency in communicating data to understand how the authority sets about achieving this year on year. With no insight into how the 2.5% increase is calculated one is left to dig deep, enquire and challenge the decision and never so much so in a time where the economy is on its knees from a world wide pandemic.

Of course Councils have an extremely difficult task of juggling priorities and provide excellent services to our communities. I understand from the LGA that Councils will be given additional government grants for 2021/22 in response to the current exceptional circumstances. It is less clear what considerations Sevenoaks has given to these exceptional circumstances and impact to this particular industry and services it provides having proposed 2.5% inflation for 2021/22.

In terms of improving performance and safety, safeguarding measures should go further and consider the merits of ensuring ICO registrations and resources managed effectively to reduce costs to customers and the Council.

Thank you for the opportunity to consult over the published proposals.

Officer Comments:

Following receipt of your response to the consultation on Licensing Fees : I am writing to confirm that your comments will be placed before the Licensing

Committee on 24<sup>th</sup> March for consideration, and in response to some of the matters raised in your letter I can comment as follows:

With regard to the 2.5% inflationary increase : in order for the Council to achieve a balanced budget, it must make certain assumptions. One of those future assumptions is on the rate of inflation for both income and expenditure and, although that rate is set acknowledging current economic influences during the budget process, it is an estimation.

Current income for taxi licensing does not exceed expenditure but the service should be self-financing. If fees remain unchanged that deficit would increase.

Knowledge tests will continue once the current lockdown restrictions allow, and it is not anticipated that ad-hoc attendance will be allowed. We are looking at ways to increase the number of applicants we can test; but at this time this is dependent upon social distancing guidelines and the availability of Council resource to support this.

It is unknown, at this time, the effect on resources of the requirement for drivers to register with the DBS update service coupled with the requirement for the Licensing Team to instigate 6 monthly checks rather than 3 yearly. This is a project which will be implemented over the next 3 years to avoid additional cost to the trade for manual DBS checks to be undertaken at a time when some drivers might have only recently undertaken this process. Ongoing monitoring of this over the next three years will be undertaken to assess the effect on resources.

The EQUO online Safeguarding Test will form part of the Knowledge Test and candidates will be taking this at the same time as the knowledge test. The cost of the test covers 10 attempts to pass for each candidate, and includes the additional cost on officer time and Council rooms.

I believe I have already responded to your query regarding ICO registration in a previous email response.

The removal of vehicle testing fees from the vehicle licence fee will streamline the service. The Local Authority will, however, still be taking this fee on behalf of the test station, but this new process will avoid the administering of recharging. We will be unable to assess the effect this will have on resources until it has been implemented.

## Agenda Item 4

The vehicle exemption certification process is not solely an administrative service, but will include officer enquiries into the type of executive use proposed, and officer time for vehicle inspection purposes additional to those undertaken during the garage inspection.

Currently, the general administrative fee is proposed for the processing time for any drivers who (having already undertaken their initial manual DBS) do not register with the update service and require further manual 6 monthly DBS checks. It will also give the local authority the ability to charge an administrative fee should further changes to the service with serious resource issues be raised at future dates. This will enable us to keep the service at a self-funding level.



**FEES FOR 2021-2022  
Hackney Carriage Driver Licence**

	Proposed Cost
Knowledge Test	£51.50 per test
EQUO online test	£66
Fee on initial application	£204 for three years
<b>Total New Licence</b>	<b>£321.50</b>
On Renewal	£112 for three years
<b>Total Renewal Licence</b>	<b>£112 for three years</b>

**Dual Driver Licence**

	Proposed Cost
Knowledge Test	£51.50 per test
EQUO online test	£66
Fee on initial application	£204 for three years
<b>Total New Licence</b>	<b>£321.50</b>
On Renewal	£112 for three years
<b>Total Renewal Licence</b>	<b>£112 for three years</b>

**Hackney Carriage Vehicle Licence**

	Proposed Cost
<b>New and Renewal Application</b>	<b>£244 for one year</b>

**Private Hire Operator Licence**

	Proposed Cost
Initial application for 5 year licence	£530 for five years
Renewal for 5 year licence	£514 for five years
Initial application for 3 year licence	£364 for three years
Renewal for 3 year licence	£348 for three years
Initial application for 1 year licence	£200 for one year
Renewal for 1 year licence	£187 for on year

**Private Hire Driver Licence**

	Proposed Cost
Knowledge Test	£51.50
EQUO Online Test	£66 per test
Fee on initial application	£204 for three years
<b>Total New Licence</b>	<b>£321.50</b>
On Renewal	£112 for three years
<b>Total Renewal Licence</b>	<b>£112 for three years</b>

## Agenda Item 4

### Private Hire Vehicle Licence

	Proposed Cost
New and Renewal Application	£244 for one year

### Additional Costs

	Proposed Cost
DBS application	£40
DBS administration fee	£50
Change from Hackney Carriage to Private Hire	£78
Change from Private Hire to Hackney Carriage	£99
Replace Vehicle Plate	£26
Replace Driver Badge	£11.50
Vehicle test/re-test/partial re-test to be paid direct to the garage so not set by Sevenoaks District Council	
Change of Ownership of licensed vehicle	£77
Copy of existing paper licence	£13.50
Change of address details for a replacement licence	£13.50
Change of name for a vehicle or operator licence	£13.50
Change of name and address for a driver badge	£24
Vehicle exemption certificate	£50
General Admin Fee	£50
Medical fee to be paid directly to GP or other medical practitioner	

### Replacement Vehicles

If a vehicle licence is surrendered within 6 months of issue, a refund of £60 will be issued.

If a licensed vehicle is replaced temporarily for up to 2 months because of damage to it then the fee will be £95 to licence the replacement vehicle.

Vehicle garage test costs will be taken separately (see fees above)

**DEPARTMENT FOR TRANSPORT STATUTORY TAXI & PRIVATE HIRE GUIDANCE  
FEEDBACK AND SUBSEQUENT AMENDMENTS TO POLICY**

**Licensing Committee - 24 March 2021**

**Report of:** Chief Officer Planning & Regulatory Services

**Status:** For Decision

**Key Decision:** No

**Portfolio Holder:** Cllr. McArthur

**Contact Officer:** Susan Lindsey Ext. 7491

**Recommendation to Licensing Committee:**

- a) To note responses regarding implementation of changes following issue of Department for Transport Statutory Guidance (shown in appendix A and B)
- b) To recommend to Council to approve changes to Sevenoaks District Council Hackney Carriage & Private Hire Licensing Policy shown in red in Appendix C

**Reason for recommendation:**

While it is not a legal requirement, it is best practice for a Licensing Authority to have a Statement of Hackney Carriage & Private Hire Policy.

**Introduction and Background**

- 1 At the Licensing Committee on 22 September 2020, members approved amendments to the Sevenoaks District Council Hackney Carriage & Private Hire Licensing Policy following the issue of Department of Transport Statutory Guidance.
- 2 Proposed changes were consulted upon and the feedback received has been positive although concerns have been expressed at the increased costs for new drivers with the introduction of the Safeguarding training and testing.
- 7 Responses have been sent to those querying how we propose to implement the various changes and the feedback received with responses are in **Appendix A and Appendix B**

## Agenda Item 5

- 8 Changes to the Sevenoaks District Council Hackney Carriage and Private Hire Licensing Policy are shown in red at **Appendix C**

### Key Implications

#### Financial

None directly arising from this report

#### Legal Implications and Risk Assessment Statement

It is expected the recommendations contained within the new Statutory Guidance issued by the Secretary of State for Transport be implemented unless there is a compelling local reason not to. The legal implications are as set out in Septembers Licensing Committee report.

#### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users

#### **Appendices**

Appendix A - Responses received to new Statutory Guidance and changes to Policy

Appendix B - Response D.Mason to proposed fees and new Statutory Guidance

Appendix C - Sevenoaks District Council Hackney Carriage & Private Hire Licensing Policy

#### **Background Papers**

[Statutory Taxi & Private Hire Standards](#)

**Richard Morris**  
**Chief Officer Planning and Regulatory Services**

## APPENDIX A

### Responses to Statutory Taxi & Private Hire Guidance

#### Austin Blackburn

Encouraging drivers to sign up to the DBS online service.... Again a good idea. Unfortunately we were not encouraged and found out too late. As checks are now every 6 months do we have to go through this all again now? Do you send out reminders?

I welcome replacement of the confusing safeguarding test. Searching I found EQUO of Lowestoft doing discrimination training for taxi's. Their course fee is £30 per person, why are you proposing £66 assuming it is the same?

#### Officer Comments:

It is proposed to implement the 6 monthly DBS checks when individual drivers are next due their 3 yearly DBS check. This is to ensure no additional financial burden will be placed upon drivers who have recently undertaken this process. We will notify each driver when he is due to undertake his next DBS check and this will be done for a fee of £40 (which is the fee charged by the DBS) in the normal way. Each driver will then be expected to register with the DBS update service. Following this, if a driver does not register with the DBS update service, then 6 monthly manual checks will be undertaken which will incur the additional administrative fee of £50 (on top of the DBS fee of £40).

The cost of the EQUO training we propose to implement covers 4 modules : Disability / Child Sexual Exploitation / Equality / and Safeguarding with added overhead costs for the use of rooms and officers time. The fee of £66 allows the candidate 10 attempts.

#### Denise Mason

I fully support a national database for the purpose of safeguarding and protecting the public from criminal behaviour and the requirement to join the update system is overdue in my view and a sensible decision. I do have the following observations to make regarding the current draft standards and any procedures that are built upon this framework.

1. Retaining data for 25 years - I would question the legality of retaining All refusals for 25 years. With the requirement to adopt a legitimate reason for assessing the need to retain for 25 years and refusals unrelated to risks of serious harm to the public, 25 years I suspect would breach GDPR rules on storage and retention. In a former life I worked in the Probation Service and we couldn't retain the majority of offender files for 25 years, from recollection 10 years was the maximum following the end of the sentence and that was for the most dangerous.

## Agenda Item 5

2. Has a privacy assessment been completed prior to producing these standards ?
3. Section 5.14 - Assessing suitability - assessing risks of harmful behaviour is complex and requires a measured and comprehensive trained approach? the Standards refer to making decisions based on the balance of probability. The process for assessment needs to be a well documented, unbiased and evidence based. Decisions taken on the balance of probability must still be evidenced based, the standards seem to be rather dismissive of what must be a repeatable unbiased process. *"If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence".* "Fit and proper" is subjective and open to unconscious bias and prejudice. Central government are good at publishing national standard frameworks which leave areas open to interpretation and implementation at a more local level. This risks multiple variations and on this particular subject impositions and sanctions could be far too variable across a national picture to be deemed fair and open to challenge with serious consequences on business owners and potential victims if wrong/unfair decisions are later overturned. Training should include understanding diversity to reduce risks of unconscious prejudice and training should not be done just the once which is so often the case.
4. This brings me to the next point; there should be an appeal process for decisions made at local levels particularly as decisions maybe left in the balance of probability. I couldn't see an appeal process.
5. *section 8.15 "Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations."* I wrote to Micheal Moss in March last year regarding concerns I had following my registration with the ICO as an operator when I undertook my own searches of their register. I informed Micheal that there appeared to be a number of licensed operators in Sevenoaks who had not registered with the ICO. In particular I could not find several companies who advertised their school run services. I called the ICO to discuss this issue and they were fully aware there were many taxi operators who were not registered and they too had concerns about this. As a former information security officer in my previous job I noted my surprise that Sevenoaks did not publish in their documentation to license holders this requirement. It is dissapointing the standards are only signposting the ICO for guidance rather than stipulating the legal obligations.
6. Further to this point I fully understand the justification in the standards for the requirement of just a basic DBS for an operator. However, there is only a recogniton in the standards that an operator maybe a driver also. This is the case in my situation but I note there is no recognition that an operator may have access to data relating to children and vulnerable adults. This could easily occur in an administrative role and the standards needs to be clearer with reference to requirements for information security policies which clearly identify roles and responsibilities which evidences an operator has adequately assessed the risks and protects information for safeguarding purposes.

7. The standards makes some reference to generating an awareness of the public on the difference between Private Hire/hackney carriage and PCV drivers. In my experience since driving as a Private Hire driver for my own business I have noticed the majority of the public are oblivious to licencing rules and regulations and how they are meant to benefit and protect them. More specifically the use of the word Taxi is a generic word the general public will always use when booking a private hire car with me. I learned that Sevenoaks licensing department changed their rules on vehicle signage for Private Hire operators, imposing a restriction of the use of Taxi on their vehicles. As a new and small operator it is apparent I face an unfair disadvantage against those operators who have been allowed to continue to adopt 'Taxi' on their vehicles. When the wording 'Private Hire' stands alone it holds other connotations and the lay person normally considers this in the context of a self drive hire car not a 'taxi' as they know it. It only becomes more obvious when the licence plate becomes visible to the observer. If the decision was based on ensuring the public was not misinformed or it is a legal requirement, allowing operators to continue to use taxi in their signage will not meet that objective.
8. As an independent operator promoting my services I need to be able to be clear to the public about what I am offering and the industry restrictions should make it an equal playing field. Legal jargon shouldn't prevent me from informing customers I am providing an advanced booking, private hire taxi service. A review of this local ruling where decisions are based on a clear objective would be helpful and fair if it was more transparent in the policy.

Officer Comments:

- 1 & 2 The National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) was commissioned by the Local Government Association (working with Central Government) and went live in 2018. Guidance has been developed setting out the steps Local Authorities need to take to use the register in a way that complies with the Data Protection requirements, as well as with human rights law - which also includes a Data Protection Impact Assessment. All aspects of the implementation of the use of this register have been assessed and approved by the Sevenoaks District Council Data Protection Officer.
3. Sevenoaks District Council Officers dealing with the Taxi and Private Hire trade undertake continued professional development training through nationwide recognised licensing bodies: such as the Institute of Licensing / Poppleston Allen / Kings Chambers, London .. to name but a few. This regular training and networking allows officers to access current case-law and good practice. Sevenoaks District Council has a Hackney Carriage and Private Hire Licensing Policy which outlines how it will deal with offences, complaints and convictions both during the application process and the duration of any licence issued.

## Agenda Item 5

4. The Local Government (Miscellaneous) Provisions Act 1976 has provisions for District Council decisions to be appealed to a Magistrates Court.
5. With regard to Private Hire Operators registering with the ICO; I have discussed this matter with Michael Moss at some length. Registering with the ICO is for every organisation or sole trader who processes personal information (unless exempt) to comply. Failure to comply is a criminal offence which is enforced by the Information Commissioner's Office. As a Local Authority, it would be very difficult for us to sign-post prospective applicants and licence holders to ALL the regulatory responsibilities under the various Acts they may fall foul of which we do not enforce (these can include health & safety, employment law, data protection, equal opportunities, right to work ..to name but a few). We will, of course, work with the ICO should they approach us with regard to particular organisations who are not registered with them. Information on how to set up a taxi/private hire business would probably be better disseminated through nationwide bodies, such as the National Private Hire & Taxi Association or the National Taxi Association.
6. I understand your thoughts behind this comment; the standards have been consulted upon and are in force, so it will fall to individual Operators to ensure appropriate weight is given to any disclosures beyond those shown on a basic DBS, as well as any disclosed on a basic DBS and that they are all taken into consideration. This can only be seen as a move in the right direction : up until now - no checks were made. Drivers who undertake enhanced DBS checks will, obviously, not be required to also undertake a basic DBS check if they apply, or are, licensed Operators.
7. I have recently sent the Sevenoaks District Council Comm's Team draft guidance for members of the public on the difference between a Hackney Carriage and a Private Hire, and how to recognise a licensed Sevenoaks district Council vehicle. This information will hopefully be in the locally circulated Council publication soon. I totally agree with the comments you have made .. I was also completely ignorant to the complexities surrounding hackney carriage and private hire licensing until I became a licensing officer. We are, unfortunately, still working under legislation written in 1847 - with an update in 1976 - but still over 40 years old !! .. when a private hire ignored me waiving frantically from the side of the road - I would just think he/she was rude not picking me up. Various attempts have been made over the years to get Central Government to amend and update taxi legislation, but unfortunately this hasn't been taken up to date (with the exception of a few 'tweaks')
8. It is hoped that item 7 above, will educate the public in how to distinguish between a Hackney Carriage (Taxi) and a Private Hire Vehicle. Having a two-tier system requires clear rules regarding the way in which the respective taxi and private hire services should be permitted to describe themselves. Using the phrase 'Hackney Carriage' is somewhat dated and it is widely accepted that 'Taxis' are Hackney Carriages. The term 'private



hire' is a more modern term and accurately describes the service it relates to.

Graham Powell

Thank you for your e mail the contents of which I note

Whilst I am in favour of this initiative as it appears to me that it will promote professionalism within the ranks of licensed drivers, I need some reassurance about the security of the personal data which will appear on the register

Please advise me regarding the person(s) who will have access to this data and the provisions for its security

Many thanks

Officer Comments:

The National Anti Fraud Network - NAFN (the organisation holding this register) will only be supplied with limited personal driver details of those refused or revoked drivers. **No driver information will be uploaded if there hasn't been a refusal or revocation.**

NAFN is recognised as an expert provider of data services by the Interception of Communications Commissioner's Office, the Home Office, the DWP and the DVLA - amongst others, and they act as a single point of contact to access a wide range of information using robust legal gateways and processes meeting the highest standard of legislative compliance.

The limited data uploaded to the register can only be accessed by other local authorities signed up by the NR3 data sharing agreement with NAFN - it will then be for those local authorities concerned to make contact with each other under Schedule 2 of the Data Protection Act 2018 for further relevant details relating to the refusal or revocation of a licence to be released.

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## APPENDIX B

### Responses to Fees and Charges 2021/2022 Consultation

Denise Mason

**An inflationary increase of 2.5% to ensure our taxi licensing service is self-financing.**

1. In response to the proposal to increase the taxi licensing service by 2.5%, the Bank of England does not envisage the country reaching an inflation rate of 2% until at least 2022 and beyond. The last 12 month CPIH inflationary rate, according to ONS, was 0.8% and the CPI rate only 0.6%. In the previous year it was 1.2% so why is the Council proposing an inflationary rate for 2021 at a rate of 2.5%, and at a time when it is not anticipated a rate that goes anywhere near this will be reached until 2023 or beyond according to the Bank of England? What recognition to the current extraordinary set of circumstances caused by a pandemic and any subsequent repercussions going forward have been considered and accounted for?
2. Sevenoaks Council finance team replied to my request for further information on how the proposed rate of 2.5% was set, stating “it was in the 10 year Budget Plan”. Without publishing any data to show past costs and/or future assumptions on license applications or a break down of actual costs the need just cannot be understood or justified by us as the customer of this process.
3. Are anticipated figures and costs for example based on trends? How many operator and individual driver applicants were processed in the years 2018/19? And 2019/2020 ? Were previous and past years anticipated costs realised? Did you come in on budget or not? How many licences are actually held and how many do the council anticipate they will be processing and receiving revenue from across 2021/22 in demand and cost comparison? What influence or impact do fluctuating numbers have on the overall costs for the licensing department? What goals and performance measures are set against this service and are they realised?
4. According to Council Committee papers dated January 2019, efficiency savings were made last year. Encouraging but what if any savings have been realised from this strategy? How have the relevant departments and teams managed licensing costs year on year to arrive at the need to increase costs at a rate of 2.5% or taken into account one off or on going savings? Given inflationary rates of 2.5% have not been seen since prior to 2017, according to the Bank of England, how does the finance department justify requiring

## Agenda Item 5

the Taxi and Private Hire industry to pay over and above the current inflationary rates for this year and even the previous year?

5. It is fair to argue the majority of businesses in this industry will not be in recovery during 2021 as the effects and measures of the current pandemic will still be felt. Of course the same can be said for Councils but central government has provided over £7.2 billion of additional expenditure to local authorities where the majority of that is un-ringfenced to enable the council to respond to local pressures and priorities. Whilst operators and individuals are able to apply for grants which are a lifeline and I offer my gratitude to the Council for approving a grant to Country Hire and Go, operational costs still need to be met and CBILS will begin repayments from Spring onwards. With no return revenue there is a serious risk operators and individuals will lose jobs. In fact any size taxi/private Hire companies may not survive at all. Increasing licensing costs to a level significantly above the inflationary rate doesn't appear to be supportive of economic recovery for this industry and the services it provides to communities. Do the Council have any financial plans to support the economic growth of this industry over and above individual grants?
6. As a new Private Hire Taxi Operator with experience of the licensing process, it was arduous and fraught with unnecessary complications and delays. It appeared physical resources were unable to manage the demand and flow of applicants swiftly to avoid delay in processing applications understood by the lack of insufficient digital tablets required for on line testing. Last year applicants were advised to book but they could also attend ad hoc on the chance another applicant may fail to attend but this led to many applicants turning up as early as possible to jump ahead leading to disappointments and frustrations. Given that passing this stage is fundamental in proceeding through the next stages of application, has this element improved and going forward has a costing process determined the need for more or less tablets and how does this equate to increased costs this year?

**To meet new Department of Transport guidance, new drivers will be encouraged to sign up to the DBS online update service at an annual cost of £13. Checks have increased from every three years to every six months. A new admin fee will cover the processing costs for checks that need to be carried out manually.**

7. Promoting the update system is a positive move which should see a reduction in costs to the Council and this industry which should see a high uptake if promoted well. It should enable security checks to be undertaken more quickly

and accurately and to monitor and respond to changes, ultimately reducing potential risks of harm. Given the likelihood of a high uptake surely this will become a less onerous task as it will not require the previous exchange, processing and filing of numerous digital and paper documents. How will costs of the new process off set against that previous method of checking? Albeit it maybe more frequent, but extensively it is more automated, digital and less time consuming.

**A new, more comprehensive 'EQUO' online test will replace the safeguarding part of our current 'Knowledge' test. The new test will cover additional areas, including disability awareness. We will use an external company to deliver the test and this will be funded by the newfee.**

8. Ongoing and up to date training must be a priority. At a cost of £66 per individual, what does this consist of? and how was EQUO procured? Will the applicant be required to attend a test centre at the same time as the knowledge test and as mentioned above, will there be adequate resources to ensure applicants can take these tests within a reasonable time frame and without unnecessary delays?

Further to safeguarding, in accordance with Sevenoaks Licensing policy to record and retain personal data, ICO registration is another measure of control to reduce those risks. It is a legal requirement that operators register with the ICO. Whilst it is individuals and operators responsibility to have a good understanding of the legal requirements within which the industry must operate, a simple check shows many operators under Sevenoaks Council are not compliant. Out of ongoing concerns I have made previous representations to the Council to take some form of action to deal with this problem. ICO registration requirements are managed within the GDPR framework and the purpose of these measures are intrinsically linked to DBS procedures, i.e determining someone's status, their access to personal data and managing risks of harm. Whilst particular individuals may not be required to undertake enhanced DBS checks due to assessment of their status, if the operator has not fulfilled their requirement to register with the ICO what does that say about their commitment, understanding of and ability to comply with safeguarding rules and regulations? To reply that there are many legal requirements for the industry and it is not for the Council to manage ICO registration is surprising. In terms of safeguarding, incorporating this into training and the licensing service should not be onerous and must surely be an obligation on the Council? I am fairly confident the industry would support this obligation.

## Agenda Item 5

The Vehicle Licensing fee for the MOT test has been removed from our fees. The fee will be paid directly to the test station at the time of booking. This removes the administrative burden of recharging the fees.

9. Will this reduce costs to the Council and if so by what percentage of the overall costs?

Vehicle Exemption Certificate is where Private Hire vehicles are used exclusively for executive hire and wish to be exempt from displaying their Private Hire vehicle plate. Introducing this fee will cover the cost of the work needed and bring us in line with our licensing partners.

10. Is this solely an administrative exercise with paper certificate?

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Whilst fully appreciating the Council must ensure this service is self funding there appears to be a lack of transparency in communicating data to understand how the authority sets about achieving this year on year. With no insight into how the 2.5% increase is calculated one is left to dig deep, enquire and challenge the decision and never so much so in a time where the economy is on its knees from a world wide pandemic.

Of course Councils have an extremely difficult task of juggling priorities and provide excellent services to our communities. I understand from the LGA that Councils will be given additional government grants for 2021/22 in response to the current exceptional circumstances. It is less clear what considerations Sevenoaks has given to these exceptional circumstances and impact to this particular industry and services it provides having proposed 2.5% inflation for 2021/22.

In terms of improving performance and safety, safeguarding measures should go further and consider the merits of ensuring ICO registrations and resources managed effectively to reduce costs to customers and the Council.

Thank you for the opportunity to consult over the published proposals.

Officer Comments:

Following receipt of your response to the consultation on Licensing Fees : I am writing to confirm that your comments will be placed before the Licensing

Committee on 24<sup>th</sup> March for consideration, and in response to some of the matters raised in your letter I can comment as follows:

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**APPENDIX C**



# **Hackney carriage and private hire licensing policy**

**1 April 2021 to 31 March 2024**

## Agenda Item 5

Effective from 1 April 2020

### **The role of licensing: Policy justification**

The aim of local authority licensing of Hackney Carriage and Private Hire trade is to protect the public by ensuring that all drivers, vehicles and operators are licensed in accordance with the Statutory Provisions and the Council's Policy. The Council is aware that the public should have reasonable access to Hackney Carriage (HC) and Private Hire Vehicle (PHV) services which are integral to local transport provisions.

Licensing requirements which are unduly stringent may prevent the supply of HC and PHV services, by increasing the cost of operation or restricting entry to the trade. Sevenoaks District Council recognises that an unduly restrictive approach may be detrimental to the public interest and could have adverse safety implications.

For example, it is important that a member of the public using a HC or PHV to travel alone late at night, can be confident the driver is "fit and proper" and the vehicle is safe. However, on the other hand if the supply of HC or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on streets late at night for a HC or PHV to become available.

## Introduction

The Licensing Authority at Sevenoaks District Council (“the Council”) is responsible for processing all applications for hackney carriage and private hire licences including drivers, vehicles and private hire operators. The team also deals with complaints and compliance in relation to hackney carriage and private hire matters.

The licensing of hackney carriage and private hire drivers, vehicles and operators aims to secure the following objectives:

- All licensed drivers and operators are “fit and proper” persons in accordance with the statutory legislation;
- All vehicles licensed by the Council are safe, comfortable, properly insured and available where and when required;
- To encourage the use of environmentally friendly vehicles; and
- To encourage the use of vehicles that are accessible to persons who have disabilities.

The Council will ensure that these aims are met by setting minimum requirements for the licensing of drivers, vehicles and operators. These requirements include:

- Up to three yearly licensing of drivers including medical checks, **six monthly** criminal record clearance, an appropriate level of driving ability and a sound knowledge of the area.
- DVLA checks of all drivers’ licences at first application and at renewal.
- Five yearly licensing of private hire operators, subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances, **with annual basic criminal checks**.
- Routine inspections of records maintained by private hire operators.
- Annual licensing of vehicles will include inspections by authorised officers which will incorporate mechanical vehicle testing and confirmation of appropriate documentation such as insurance certificate;
- Investigation of complaints and enforcement of legislation and licence conditions with appropriate action taken in accordance with the Council’s Enforcement Policy statement.
- Ongoing training and development of the Council’s Licensing staff.
- Provision of information to the hackney carriage and private hire trades with members of the public through press releases and publications, the Council’s website and attendance at relevant forums.

## Review of policy and procedures

### 2.1 Legislation

In undertaking its licensing function, the council will have particular regard for:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000

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- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equalities Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Regulators Code

### **2.2 Taxi and Private Hire Licensing: best practice guidance March 2010 & Statutory Taxi & Private Hire Vehicle Standards 2020**

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. Following widespread consultation, the DfT has produced Best Practice Guidance (**superseded by the Statutory Taxi & Private Hire Vehicle Standards**) 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 these Guidance documents have** been taken into consideration in preparing this policy. Regard has also been given to the Licensing Partnership and this has been seen as an opportunity to have some consistency across the three authorities. The Licensing Partnership includes Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council. This policy relates to Sevenoaks District Council.

### **2.3 Consultation**

The Council is keen to hear the views of persons who may be affected by this policy and has identified people and organisations that may be interested in commenting on this document. The Council has consulted widely and invited comments from any interested party in particular those listed below.

- Representatives of Sevenoaks licensed hackney & private hire drivers
- Representatives and trade groups of Sevenoaks taxi proprietors and private hire vehicle licence holders.
- Representatives of the District's Operators
- All District Councillors
- Town and Parish Councils
- Neighbouring Authorities
- Community Safety Unit
- **Sevenoaks** Access Group
- Local businesses and residents
- The National Private Hire Association
- The National Taxi Association
- Members of the Public through the Council's website
- Public Health Kent
- Chamber of Commerce
- Kent Police

- Kent County Council Traffic & Road Safety
- Kent County Council (School Contracts)
- Citizens Advice Bureau
- Age Concern

Minor amendments to this Policy required, for example, by virtue of legislative change or administrative procedural change, may be made by the Head of Licensing following consultation with the chair of the Licensing Committee and the Cabinet Member with responsibility for Licensing. These will be reported back to the next full Licensing Committee.

### 2.4 Implementation

The Policy and associated documentation are available for inspection on the Council's website.

The Policy will remain in existence for a period of three years, during which time it shall be kept under review and revised as appropriate or after any significant legislative change.

Upon implementation of this Policy, the Authority expects licence-holders to comply with its terms immediately.

### 2.5 Online forms

The Licensing Partnership has introduced online forms to facilitate applications. The authority is committed to keeping the cost of providing the licensing service down and online forms assist with this aim.

All **new** applications that are made online will require an applicant to meet with an officer to complete the application process. At this meeting **all original documents are required to be presented**.

The Council will accept scanned accompanying documents or photographic images with online **renewal** applications. However, if the submitted images do not match with the electronic images already held by the Licensing Partnership, we reserve the right to require the original documentation to be presented to the Licensing Authority.

### 3. Hackney Carriage and/or Private Hire Driver Licence – new and renewal applications

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that a district council shall not grant a driver's licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person.

In order for the Council to establish whether an applicant is fit and proper the applicant must provide evidence of:

- Honesty and trustworthiness
- Driving standard

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- Medical fitness
- Criminal history
- Relevant knowledge of the district
- Understanding of English (spoken, written and reading)

All applicants must read the Council's Policy regarding convictions and cautions located at **Appendix 1** before considering whether to apply for a Hackney Carriage/ Private Hire Vehicle driver's licence.

Application forms must be completed in full. Any incomplete forms will be returned to the applicant as invalid. An email address provided by an applicant or licensed driver is deemed to be valid for all email correspondence sent by officers, and can only be updated by written notification of a change of email address.

Applications will only be accepted as valid if they include and/or are accompanied by the following:

- Application form provided by the Council, complete in its entirety and signed by the applicant.
- The appropriate fee. The current fees are available from the licensing department or our website.
- The applicant's original DVLA driving licence. Applicants must have held a full DVLA or EU licence for at least 1 year for a new application.
- A completed medical certificate
- Driving Standards Assessment practical taxi test and wheelchair test for all new hackney carriage/ private hire drivers, delivered by an external company; details available on our website
- Evidence of passing the Council's knowledge test (new applicants only);
- One recent, colour, passport sized photograph of the applicant (no sunglasses or hats. Hats may only be worn for religious beliefs while showing full facial features.)
- Applicants must obtain and submit to the Council the 8 digit driving licence 'Check Code' from the DVLA. The 'Check Code' is only valid for 21 days from the date of issue.
- Application for a Disclosure and Barring Service Enhanced Check completed by the applicant with accompanying identification or a current valid disclosure certificate completed within 1 month and obtained via an approved body which will allow an update service check to be performed. This must include a check for 'adults and child workforce'. **Applicants who are not signed up to the DBS update service will be expected to do so.**
- For all applicants who have lived in the United Kingdom for less than 5 years continuously, a certificate of good conduct from the appropriate embassy is required (new applications only).
- For those applicants not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom, which will include a relevant VISA or letter from the appropriate Embassy/Authority. The Licensing Authority may also contact the Home Office to carry out immigration checks when it is appropriate to do so.
- All applicants must provide **original** documentary evidence confirming their right to live and work in the UK. Any licence granted to drivers whose leave to remain

in the UK is time limited will only be valid for the period which they are entitled to work in the UK. In order for the licence to be extended, drivers must produce further evidence to prove they have the right to work in the UK.

- Two items confirming the applicant's address.
- Documentary proof of the applicants National Insurance number.

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### **3.1 Fee**

All applications must be accompanied by the appropriate fee as prescribed from time to time by the Council. Licensing fees are reviewed on an annual basis and approved by the Council.

No refunds are payable where applications are not pursued or completed or where applications are refused e.g. as a result of relevant criminal records, where relevant information has been withheld or where applicants fail to meet application requirements. The Licensing Officers can advise individual applicants who have queries in relation to this issue and any such information is strictly confidential.

Any outstanding application older than 12 months will be destroyed. Should the applicant wish to pursue the application after 12 months a new application will need to be submitted with a fee together with a new Disclosure and Barring Service (DBS) and medical certificate.

### **3.2 Driving standards**

It is a statutory requirement that a licence will not be issued to any person, who at the time of the application has not held a full driving licence for a continuous period of one year immediately prior to the date of receipt of a valid application to the Council.

Driving licences issued by EU/EEA States and Countries detailed in the Driving Licences (Exchangeable Licences) Orders are also permitted to count towards the 1 year period qualification requirement for the grant of a private hire and/or hackney carriage licence.

In order to establish that an applicant has reached an acceptable driving standard, new applicants will also be required to have successfully undertaken the driving standards practical taxi test delivered by one of the Council's nominated providers.

Existing drivers may also be required to undertake this test where serious concerns are raised about the standards of their driving.

All new applications for a driver's licence will be required to successfully complete a practical taxi test and wheelchair test without exception.

Drivers of a wheelchair accessible vehicle (WAV's) must have undertaken the enhanced practical taxi test which includes the wheelchair exercise. If a driver changes his vehicle to a wheelchair accessible one then they must undertake the element that includes the wheelchair exercise.

A first time driver applicant must demonstrate by means of an online test, an acceptable knowledge of the Council's district. The Council may also require the applicant to demonstrate their knowledge of any byelaws, rules and conditions that apply to certain licence types.

### **3.3 Age**

All applicants for HC/PHV driver licences will be assessed on their individual merits. Sevenoaks District Council does not consider it necessary to set a maximum age limit for



drivers provided that regular medical checks are made (see 3.4), nor does it consider a minimum age limit, beyond the statutory limitations, to be appropriate.

### 3.4 Medical fitness

There is a general recognition that it is appropriate for HC/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the public who have expectations of a safe journey;
- they are on the road for longer hours than most drivers; and
- they may have to assist disabled passengers and handle luggage.

Sevenoaks District Council supports the widely held view that Group 2 medical standards should also be applied by local authorities to HC/PHV drivers.

All applicants will be required to obtain a Group 2 medical standards certificate signed by their **own GP, or another practitioner (registered with the General Medical Council) who have accessed at least 2 years medical records.**

Once licensed, a new medical will be required to be undertaken at renewal (every 3 years) or annually once the driver reaches the age of 65 years.

The Group 2 medical standards now include the licensing of drivers with insulin treated diabetes. It is the policy of Sevenoaks District Council to apply the standards to taxi and PHV drivers with insulin treated diabetes. The criteria is summarised in Appendix 3.

Should concerns arise regarding the health of a licensed driver, the Council at any time may request further information or a further medical examination to be carried out and submitted. The Council reserves the right to revoke or suspend a licence if requested information is not submitted within 4 weeks of the request and a satisfactory explanation is not given for the failure to provide such information, or where the information provided raises further concerns as to the applicant's fitness to carry out their duties as a licensed driver.

### 3.5 Criminal record

Prior to consideration of any application, the Council will obtain from the applicant a Disclosure & Barring Service Enhanced Certificate in respect of the applicant (**and access to their online DBS update service account if they have one**), to be assessed in accordance with the Council's statement of policy about relevant convictions. This must include a check for working with adults and children.

It is recognised that many vehicles are used for the carriage of children and vulnerable persons and the Enhanced Disclosure is most appropriate.

**It will be a mandatory requirement for all drivers to sign up to the online Disclosure & Barring Service update service and to give Sevenoaks District Council authority to access records at any time.** The licence holder will be responsible for paying the relevant fee. **Six monthly DBS checks will be carried out throughout the duration of a licence or more frequently should this be necessary. Should the Authority not be able to access online records, a driver will still be required to undertake an Enhanced Check, at an**

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additional cost to the driver. If no check is undertaken within 2 months of the 6 month requirement, the licence will be suspended.

Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) in addition to an Enhanced Certificate from the Disclosure & Barring Service which includes whether an applicant is barred from working with children or adults.

A licence will generally not be granted to any applicant who does not comply with the minimum requirements as set out in the Council's Statement of Policy about Relevant Convictions (see Appendix 2). Where several minor offences have been committed the Council will take into consideration any pattern of offending. The Council can also take into consideration spent convictions and cautions when determining an application for a driver's licence.

A licence may be suspended or revoked pending the outcome of any investigation or trial where an existing driver is found to be awaiting trial or has been charged with a serious crime relating to;

- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
- A drug related offence
- Indecent exposure, indecent assault or any of the more serious sexual offences or,
- Grievous bodily harm, wounding or assault or,
- Dishonesty

A licence may also be suspended or revoked where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought.

Any application from a new applicant charged with a serious offence as outlined above will not be determined until the outcome of that matter has been determined.

Where an existing driver commits an offence and/or breaches the licence conditions/byelaws, the nature and number of incidents will be taken into consideration when considering if the driver continues to be considered "fit and proper".

Complaints in relation to existing drivers will generally be held on file and taken into consideration for a period of three years from receipt. Although where a further warning is issued during this period, the original warning will be kept on file from the date of the most recent warning. Where a licence is revoked for persistent breach of licence conditions a period of 3 to 5 years should generally elapse before a further application is favourably considered.

A licence holder or applicant shall immediately notify the Council of any charges/convictions/cautions (including motoring offences) imposed during the term of their current licence or application.

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage or Private Hire drivers licence revoked, or an application for one refused.

Following a decision to refuse or revoke a licence by Sevenoaks District Council as the individual is thought to present a risk of harm to a child or vulnerable adult, the authority shall consider a referral to the DBS under the Safeguarding Vulnerable Groups Act 2006.

### **3.6 Renewal of licences**

It is the driver's responsibility to ensure that their licence is renewed prior to the expiry of their current licence.

A licence may be renewed up to 6 weeks prior to the expiry date.

Any licence that is not renewed within 1 month following expiry will not be renewed and a new application in full will be required. A Driving Standards pass certificate will also need to be provided. Any licence that is renewed within the 1 month grace period may be subject to a late fee.

Where a licence holder will not be available at the time of renewal, for example due to an extended holiday, then they may apply in writing to the Licensing Office, prior to the expiry date, explaining their circumstances and request a waiver. If granted, this waiver will allow the licence holder to renew their licence after the expiry date or depending on the circumstances the licence can be renewed early. The date of renewal of the licence will start from the day after the expiry of the previous licence.

In any case, following expiry of a licence, the driver will not be considered licensed and will not be permitted to drive a licensed vehicle until such time as the licence has been renewed and a new licence has been issued.

The Council will endeavour to issue reminder letters at least six weeks prior to the expiry of a licence although there is no statutory duty for the Council to do so and the responsibility ultimately lies with the licensee to ensure that complete applications for renewal are submitted on time. Applicants are encouraged to submit their applications as soon as possible.

At each renewal a current driving licence must be in force, a renewal application must include a completed application form, fee, DBS enhanced check (if not part of the DBS update service), Medical and a generated DVLA check code will be required (and provided on the application form).

Applicants are encouraged to make their renewal application online.

### **3.7 Change of type of licence**

Licensees wishing to change from holding a private hire licence to a hackney carriage licence will be required to undertake a knowledge test and the wheelchair element of the Driving Standards Assessment (or equivalent) before the licence is issued. The required

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fee will need to be paid with the application and no refund will be payable in respect of an existing licence.

### **3.8 Surrender/suspension/revocation of licence or failure to complete application**

In the event of the surrender of a driver's licence before its expiry or failure to complete the application process, there shall be no refund of the licence fee.

In the event of a driver's licence being suspended or revoked there shall be no refund of the licence fee.

### **3.9 Driver's dress code**

Sevenoaks District Council is committed to encouraging the professional image of the hackney carriage and private hire trade, and considers that drivers of licensed vehicles are vocational drivers. Therefore, the Council considers that drivers should conform to a minimum standard of dress, as set out in Appendix 4, in order to raise and maintain the profile of the licensed trade. The Authority does not impose such standards by way of conditions to any licence. However, it is expected that such standards will be maintained at all times.

### **3.10 Right of appeal**

Where refusal, suspension or revocation of an application/licence has been advised by an Officer, the applicant/driver will be entitled to request the matter be referred to the Licensing Committee to discuss the concerns, unless the driver has lost his DVLA driving licence in which case revocation will be automatic. During this meeting the applicant/driver will be given every opportunity to state their case in relation to the issue(s) of concern. The Committee on hearing all the facts will decide whether to grant any licence or not.

Any applicant who is aggrieved by the Council's refusal to grant/suspend/revoke a driver's licence may appeal to a Magistrates Court within 21 days of being notified in writing of the decision.

In line with s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, as amended by s.52 of the Road Safety Act 2006, where it appears to the Council that it is in the interests of public safety for any revocation to have immediate effect there will be no right to drive as a private hire or hackney carriage driver pending an appeal. This power will only generally be invoked where there are allegations of serious violence offences, offences of a sexual nature or where there is considered to be a serious risk to passengers or members of the public in allowing the driver to continue as a hackney carriage/private hire driver.

### **3.11 Duration of drivers' licences**

A Hackney Carriage or Private Hire Driver's Licence shall be valid for a standard term of three years (unless, for administrative reasons, a shorter period is appropriate).

## **4. Hackney Carriage / Private Hire Vehicle Licences**

Section 47(2) of the Town Police Clauses Act 1847 permits a Borough/District Council to require that a hackney carriage licensed by them under the Act of 1847 to be of such

design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

### **4.1 Environmental considerations**

The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the District by, in particular, reducing the levels of CO<sub>2</sub> emitted from petrol vehicles and the equivalent from diesel. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

Clearly, emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.

In view of the above detail, unless more urgent measures are introduced by central government in the meantime, this Council will monitor any research published and Government guidelines with a view to specifying vehicle emissions standards and promoting cleaner vehicles.

### **4.2 Taximeters**

The Authority requires every vehicle licensed as a Hackney Carriage to be fitted with a taximeter. The taximeter shall be of a type which is EU approved or specifically authorised by the Council.

A Private Hire vehicle may be fitted with a taximeter. If a taximeter is fitted it shall be of a type which is EU approved or specifically authorised by the Council.

### **4.3 Roof signs**

The Authority requires all Hackney Carriage vehicles to be fitted with working roof-mounted signs. If the illuminated roof lights have red in them, they must be fitted so that the red light is only visible from the rear. If the vehicle is available for hire the roof light must be illuminated.

The Authority requires that no Private Hire vehicle be fitted with a roof-mounted sign of any kind.

### **4.4 Numbers limit**

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At the moment there is no restriction on how many hackney carriage vehicles can be licensed, Sevenoaks District Council will seek to address this matter when the need arises and may carry out a demand survey to seek clarification whether there is unmet demand for Hackney carriage vehicles within the whole district.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided the Council is satisfied that the vehicle is:

- Suitable in type, size and design for the use of a Private Hire Vehicle;
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- In a suitable mechanical condition;
- Safe; and
- Comfortable;
- That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Once licensed, a hackney carriage or private hire vehicle remains a hackney carriage or private hire vehicle until the licence either expires, is suspended or revoked. A licensed vehicle can, subject to very limited exemptions, only ever be legally driven by a driver who holds the relevant hackney carriage or private hire drivers' licence and appropriate insurance.

Sevenoaks District Council will not permit dual plating, therefore once a vehicle is licensed by Sevenoaks District Council it cannot be licensed with any other authority or Transport for London.

### **4.5 Wheelchair accessible vehicles**

From 1 September 2016 all additional hackney carriage vehicles requiring a new plate, must be wheelchair accessible. That is those that require the issue of a new Hackney Carriage plate number. (This does not apply to replacement vehicles, change of ownership of vehicles, vehicles that are replacing damaged vehicles and ultra-low-emission vehicles (ULEV) that is vehicles that emit less than 75g/km of CO<sub>2</sub> under the WLTP). This exemption will be kept under regular review and may be time limited or removed in future reviews of the policy. From 1st January 2018 all vehicles that reach the end of their life with respect to being eligible for licensing as a licensed vehicle (i.e. 10 years since the date of its first registration) must be replaced by a wheelchair accessible vehicle. (This does not apply to change of ownership of vehicles or vehicles that are replacing damaged vehicles or a total loss.).

Wheelchair accessible vehicles may be either rear or side loading.

### **4.6 Applications**

All applications submitted for the initial grant of a licence are advised to apply **at least 12 working days before** the licence is required to allow time for the vehicle to be tested and the licence to be processed.

Application forms must be completed in full, accompanied by all required documents and signed by the applicant and the operator where relevant. Any incomplete forms will be deemed invalid and returned immediately to the applicant.

Applications will only be acceptable as valid if they include and/or are accompanied by the following:

- Application form provided by the Council completed in its entirety and signed by the applicant and operator where relevant.
- Original vehicle registration document showing the applicant to be the registered keeper or other acceptable proof of ownership (the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles).
- When a renewal application is made online the authority will accept scanned documentation or a photograph of the documentation.
- Original documentation will only be required for new vehicles or if there is a discrepancy between the scanned copy held on file by the authority and the scanned/photograph submitted with an online renewal application.
- Certificate of insurance for the vehicle which covers the activity required (i.e. public or private hire - para.4.2) and which is valid on the date that the licence is due to come into force. With online applications we will accept emails from the insurance company sent to [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)

### **4.7 Licence fee**

All applications must be accompanied by the appropriate fee as prescribed by the Council; the current scale of fees is available from the Council or on our website.

Licensing fees are reviewed on an annual basis and adopted by the Council following advertisement by a notice in a local newspaper. The notice will also be displayed at the Council Offices to allow for any comments to be made.

In the event of the surrender of a vehicle licence before its expiry there is no refund made.

### **4.8 Insurance**

All hackney carriage and private hire vehicles must be insured for public hire and reward, such insurance to provide cover for fully comprehensive.

The Council considers vehicle insurance to be a high priority and, therefore, requires all proprietors to provide evidence of continuous insurance cover throughout the period of the licence. Failure to provide evidence of insurance will result in the vehicle licence being suspended.

### **4.9 Testing of vehicles**

In addition to the MOT testing requirements, all licensed vehicles are required to be tested at the Council's nominated testing station for compliance with the Council's policy.

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Where concerns arise during the period of the licence regarding the mechanical fitness of a licensed vehicle the Council may request a further test to be undertaken. However, the Licensing Authority cannot require a vehicle to have more than 3 tests per year.

Where an application for a vehicle renewal is made 28 days after the expiry of the licence the application will be considered as a new application and any age restrictions will apply.

Any vehicle failing its examination test will be required to undertake and pass a further examination test before it can be licensed or, in the case of an existing licensed vehicle, before it can continue to be used as a licensed vehicle. This further examination is known as a retest. The proprietor is responsible for the cost of the retest and it must be paid in full prior to further testing taking place.

The Council will suspend a vehicle licence if the vehicle is not presented for its interim test (6 month) by the due date.

### **4.10 Re-allocation of Expired Hackney Carriage Vehicle Plates**

If, when a hackney carriage licence expires, the vehicle is not re-licensed within twenty-eight days and the owner does not take steps to inform the Council of their intentions, then the plate will be re-allocated. A letter will be sent to the owner of the vehicle advising them that the licence has expired.

### **4.11 Type of vehicle**

In order to assess vehicle suitability, the Council will take into account passenger safety, comfort and the design of the vehicle.

In order to be considered suitable to be licensed as a Hackney Carriage the vehicle must comply with the basic specification set out in Appendix 5A and 5B and pass the Council's vehicle inspection test.

Any vehicle complying with the basic specification set out in Appendix 5 and 5B will be considered suitable to be licensed as a Private Hire Vehicle subject to it complying with the conditions listed in Appendix 5C and passing the Council's vehicle inspection test.

### **4.12 Vehicles powered by Liquid Petroleum Gas (LPG)**

An applicant for a licence involving a vehicle which has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is, therefore, considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

In exceptional circumstances the Council's basic requirements for vehicles may be waived to facilitate the licensing of Novelty Vehicles although confirmation should be



sought from the Licensing Office prior to any application being made. All applications for Novelty Vehicles will be considered on their own merits.

In addition to meeting the relevant vehicle specifications all Private Hire Vehicles, including Novelty Vehicles, will have to comply with the private hire vehicle conditions (Appendix 5C). In the case of novelty vehicles further specific conditions may be applied to the licence.

### **4.13 Seating capacity**

No vehicle capable of carrying more than 8 passengers can be licensed by the Council.

In order to facilitate the licensing of a wide variety of vehicle types and to encourage more environmentally friendly vehicles the Council has not set a limit on the minimum number of seats but instead requires a minimum space standard per passenger as detailed in the basic specifications for vehicles.

It is the proprietor's and operator's responsibility to ensure that they establish the number of passengers at the time of booking. This is particularly important for those proprietors and operators who choose to utilise smaller vehicles.

### **4.14 Seating dimensions**

Passenger seats must be at least 400mm wide for each passenger measured along the front of each seat. This criteria also applies where there are folding arms. The front seat of the vehicle next to the driver will be regarded as a seat for one passenger only.

Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

### **4.15 Tinted windows**

All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations.

## **5. Private Hire Operators Licence**

The objective of licensing Private Hire Vehicle Operators is, again, the safety of the public, who will be using operator premises, vehicles and drivers arranged through them. The Council will grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence.

In order for an operator to prove that they are fit and proper they must provide evidence that they:

- are of good repute;
- have adequate arrangements for monitoring drivers, vehicles and the keeping of records;
- are capable of ensuring that both themselves and their staff/drivers obey all the rules.
- **Have sight of Basic DBS checks on all individuals listed on a register of booking and dispatch staff**

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- **Have a policy in place on employing ex-offenders listed on the register of booking and dispatch staff**

All applicants for initial grant of a licence should allow at least four weeks before the licence is required to enable the local authority to undertake the necessary vetting procedures as detailed in this document.

Planning consent may be required and all applicants must ensure that they obtain all the correct and necessary permissions before trading.

Any application for the renewal of a licence which is not made before the expiry of the previous licence will be treated as an application for a new licence.

Applications will only be acceptable if they include the following:

- Application form completed in its entirety and signed by the applicant along with all the information prescribed.
- Application for a Disclosure and Barring Service Basic Check, which can be obtained from DBS or Disclosure Scotland, completed by the applicant with accompanying identification or a current valid disclosure certificate completed within 1 month and obtained via an approved body which will allow an update service check to be performed.
- The appropriate fee. The current fees are available online on our website.
- **A policy on employing ex-offenders listed on the register of booking and dispatch staff**

### 5.1 Criminal Records checks

Private Hire Vehicle operators are not exceptions to the Rehabilitation of Offenders Act 1974. However, private hire operators that are not licensed drivers, cannot be required to produce an enhanced DBS disclosure. A Basic Disclosure from the DBS or Scottish Disclosure, or a certificate of good conduct from the relevant embassy for overseas applicants, is however, considered appropriate in promoting the objective of public safety.

Before an application for a private hire operator's licence will be considered, the applicant must provide a current (less than one months old) Basic DBS or Scottish Disclosure of Criminal Convictions (issued specifically for Sevenoaks District Council), or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current Driver's Licence with the Council will be exempt from this requirement.

Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) in addition to a Basic Disclosure Certificate. A certificate of good conduct authenticated by the relevant embassy will satisfy this requirement.

### 5.2 Record keeping

It is a requirement for operators to keep comprehensive records of each booking. All bookings will be kept for a period of 6 months.

It is also a requirement for operators to keep a register of all booking and dispatch staff and to keep records of sight of basic DBS checks for these staff.

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### **5.3 Licence Duration**

The Department of Transport considers that annual licence renewal is not necessary or appropriate for private hire operators. They recommend, as good practice, that a licence period of five years would be reasonable.

The Council will, therefore, issue a successful applicant for a Private Hire Operator's Licence with a five-year licence from the date of grant; subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances.

### **5.4 Fees**

On receipt of the appropriate fee, the permitted number of vehicles can be increased at any time during the period of the licence.

### **5.5 Operation**

A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

All three licences:

- private hire operator's licence,
- private hire driver's licence and
- private hire vehicle licence

must be issued by the same Licensing Authority.

### **5.6 Conditions**

The Council has power to impose such conditions on a private hire operator's licence as it considers reasonable, necessary and proportionate.

The Council consider the conditions detailed in Appendix 7 to be reasonable, necessary and proportionate. All private hire operator's licences will be issued with these conditions attached.

### **5.7 Insurance**

It is considered appropriate for a Licensing Authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Before an application for a private hire operator's licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

The conditions applicable to Private Hire Operator's Licences, as detailed in Appendix 7 require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate as well as appropriate public liability insurance for their premises.

### **5.8 Address from which an Operator may operate**

Upon the grant of an operator's licence, the Council will specify on the licence the address from which the operator may operate. This address will be the address stated on the application form. The operator must notify the Council in writing of any change of

address during the period of the licence, whether this is a home address or the operating address, within seven days of such a change taking place.

The Council will not grant a licence to an operator whose premises are located outside the district of Sevenoaks. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

Operators based outside the district who have been granted a licence prior to the adoption of this amendment to policy (2018/19) will retain 'grandfather rights' providing the conditions of the licence are fully met.

### **5.9 Gaming machines**

Operators that provide a waiting facility for members of the public and/or drivers should be aware that they cannot make gaming machines available for use. This action would be a criminal offence under the Gambling Act 2005.

### **6. Penalty Points Scheme**

Any vehicle that is approached by an Authorised Officer of Sevenoaks District Council in order to carry out a vehicle inspection/driver check must remain until the inspection has been carried out. An exemption to this is if a fare arrives, which the driver is obliged to take or the driver informs the officer of a pre-booked fare prior to the inspection taking place.

Alternatively an Authorised Officer of Sevenoaks District Council may request that you attend the Council offices with the licensed vehicle in order to carry out an inspection.

Sevenoaks District Council has implemented a Penalty points system in order to regulate enforcement and any action required.

This scheme is used to enforce current legislation and any future bye laws in respect of Hackney Carriage Drivers and will be operated as follows:

- The Council's Taxi Licensing and Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
- Where it is decided that the use of the penalty points system is appropriate, the points are issued in accordance with the appendix. If the appendix allows a range of points for a particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence.
- Penalty points will only be imposed where the licensee agrees the breach or offence has taken place. Where the licensee does not agree that the breach or offence has taken place, the matter will be referred in the first instance to the Licensing Manager for consideration regarding further action. The Licensee may be required to appear before the Licensing Committee.

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- The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to their employer or operator. However the Council retains the discretion to issue penalty points to drivers, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.
- Points issued to either a proprietor or driver will be confirmed in writing within ten working days from the discovery of the contravention.
- When issued, the penalty points will remain “live” for a period of one year from the date they are imposed so that only points accumulated in a rolling twelve month period will be taken into account.
- There is no financial penalty associated with the system and the licensee may continue to work. However, the licensee may be asked to attend either a meeting with the Licensing Manager or attend a hearing of the Licensing Committee if 12 penalty points are imposed on an individual licence in any one 12 month period, where appropriate action will be taken in accordance with this policy.
- Where a driver, proprietor or operator attains more than 12 penalty points, disciplinary options available to the Licensing Committee will include suspension or revocation of the driver’s licence, where appropriate.
- If it is felt that the matter does not warrant suspension or revocation of the licence, the period for which the points are to remain “live” may be extended or a written warning may be issued to the driver as to his future conduct.
- Periods of suspension of a licence will be dependent on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder.
- A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances they deem necessary.
- Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. All suspensions will therefore be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process.
- The penalty points system will operate without prejudice to the Council’s ability to take other action under appropriate legislation or as provided for by this policy.
- The penalty points system outlined in Appendix 10 identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven.

## 7. Taxi ranks

### 7.1. Appointed Stands

Comments are welcomed from either the trade or the public on the need for additional bays in specific locations, the potential for re-locating or extending existing bays or indeed arguments for the removal of bays which no longer fulfil a useful purpose.

### **7.2 Waiting on stands**

It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any rank or stand for hackney carriages. Drivers of hackney carriages may only wait on a rank or stand whilst plying for hire or waiting for a fare; drivers who park on a rank or stand and leave their vehicle unattended are committing an offence.

### **8. Plying for hire**

For the avoidance of doubt, the Council does not have a byelaw requiring hackney carriages to return to a taxi rank between fares. Hackney carriages can, therefore, park and be available for hire in any position where an ordinary member of the public can lawfully park. Hackney carriages are, however, subject to road traffic regulations and should not park in any position that obstructs the highway, the highway being both the road and the footway.

### **9. Taxi/Private hire meetings**

The Council wishes to encourage discussions between the trade and the Licensing Authority, in order to promote a successful working relationship taxi/private hire liaison meetings will take place.

### **10. Departure from the Policy**

There may be instances whereby the Council may need to consider applications outside the policy. Where it is necessary to depart substantially from this policy, clear and compelling reasons for doing so will be given. Any such decision may be referred to the Licensing Committee.

### **11. Amendments to the Policy**

All changes to the Policy are agreed by the Licensing Committee and then considered by Full Council.

### **Appendix 1 - Statement of policy about relevant convictions**

When submitting an application for a licence to drive a hackney carriage or private hire vehicle you are required to declare any motoring offences and any non-motoring convictions or cautions you may have in addition to completing a Disclosure & Barring Service check. The information received will be treated in confidence.

The disclosure of a criminal record or other information will not debar you from gaining a licence unless the Authority considers that the conviction(s) renders you unsuitable. In making this decision the authority will consider the nature of the offence, how long ago and what age you were when it was committed, and any other factors which may be relevant. To facilitate a consistent approach the licensing authority has devised guidelines relating to the relevance of convictions and cautions. Any applicant refused a driver's licence on the ground that they are not a fit and proper person to hold such a licence has a right of appeal to Magistrates Court.

If you would like to discuss what effect a conviction might have on your application you may telephone the Licensing Department, in confidence, on 01732 227000 for advice.

#### **General**

Notwithstanding the existence of this Policy, each application will be determined on its own merits. Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons will be given for doing so. The purpose of this appendix is to formulate guidelines, consistent with national guidance, which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing licences, for hackney carriage and private vehicle, driver and operator licences.

If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the Council that they did not commit the offence. If they seek to do so, their representation will not be considered as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.

For the purpose of this Policy, the acceptance of a fixed penalty notice will be treated as a conviction depending on the individual merits and mitigating circumstances of each case.

#### **“Fit and proper” person**

The legislation clearly states that the Council may grant a licence only if it is satisfied that the applicant is a “fit and proper” person.

The onus is on the applicant to demonstrate that they meet this requirement, not on the Council to demonstrate that the applicant does not.

In the absence of a judicially approved definition of “fit and proper”, the Council use the test of:



*Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone?*

The wording of this test originates from Mr J T H Button BA, Solicitor, MIL, MClarb, a well-known and respected solicitor widely acknowledged as an authority in licensing legislation, particularly that of hackney carriages and private hire.

In order to further assist in understanding the interpretation of this definition, the Council will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving record, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.

It should be borne in mind that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, persons who are incapacitated from alcohol, lone women and foreign visitors. Some examples of areas of concern that the Council will consider include, but are not limited to:

### **Honesty and trustworthiness**

Drivers often have knowledge that a customer is leaving a property empty; they have opportunities to defraud drunken, vulnerable or foreign person; or they have opportunities to abuse their position of trust. For example, all passengers would expect to be charged the correct fare of the journey and be given the correct change; they would expect any lost property to be handed in to the Licensing Authority; and they would expect confidentiality to be maintained between themselves and the driver.

### **Professionalism**

Drivers are often subject to unpleasant, abusive or dishonest behaviour, albeit from a small minority of passengers. Although this is clearly unacceptable behaviour by passengers, it does not excuse in any way aggressive or abusive conduct by drivers. Confrontation should be avoided and all disputes should be resolved through the formal legal channels. Under no circumstances must drivers take the law into their own hands.

### **Good and safe driving ability**

Passengers are paying for a service whereby they expect to reach their chosen destination promptly and safely. Drivers must be fully conversant with all road traffic legislation and this Policy and drive in a professional, lawful and safe manner at all times.

### **Protecting the Public**

The overriding consideration for the Council in its determination of applications is the promotion of the licensing objectives detailed within this policy, in particular the protection of public safety.

### **History**

The Council may take into account an applicant's history as a licence holder with this, or any other Council. In considering whether or not a person is "fit and proper the Council may consider such matters as the applicant's complaint history, their compliance with

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this Policy, their cooperation with Licensing Officer's requests and any other reasonable matters.

### **Driving offences**

Hackney carriage and private hire drivers should provide a professional service to the public and must be aware of the safety of passengers and other road users at all times. Any traffic offence shows a lack of responsibility whilst driving either in terms of vehicle maintenance or the level of driving standards.

Convictions or cautions for traffic offences will not automatically preclude any applicant from obtaining a licence, however, the number, nature and frequency of such offences will be considered. In some circumstances it may be appropriate to issue a licence together with a written warning as to future driving standards detailing the likely effect of further offences. Where there is a significant history of driving offences, an application is likely to be refused.

In cases of six penalty points or less on an applicant's DVLA driving licence, an application will be granted.

A licence granted under these circumstances is likely to be issued together with a verbal warning as to future driving standards detailing the likely effect of further offences.

In cases of seven penalty points or more on an applicant's DVLA driving licence, an application may be referred to the Licensing Committee for decision.

### **Major traffic offences**

For the purposes of this section, major traffic offences includes, but is not limited to, dangerous driving, driving whilst disqualified, failure to stop after an accident, driving with no/invalid insurance, careless driving, and driving a vehicle with mechanical defectives (such as brakes, steering, tyres, etc..).

The driving offences of causing death by dangerous or careless driving, due to their nature, will be considered by the Council to be violent offences and should be considered in conjunction with the section of this appendix relating to violent offences.

If the applicant has been convicted of more than one major traffic offence then a licence application will normally be refused until the applicant has completed a period of at least five years free from conviction. Where the combination of offences are considered to be of increased risk to the public, a period longer than five years may be substituted by the Council dependent on the extent of the risk to the public.

### **"Totting Up" under section 35 of the Road Traffic Offenders Act 1988**

Where an applicant has been disqualified from driving by the courts under the "totting up" procedure, the Council will normally refuse an application until there has been a period of three years free of relevant convictions.

If the applicant has demonstrated to the court "exceptional hardship" and avoided a driving disqualification, applications will still normally be refused until there has been a

period of three years free of relevant convictions. The Council believe that the risk to the public is sufficient to maintain this consistent stance.

### **Motor insurance offences**

An isolated motor insurance offence will not automatically preclude an application form being granted, however the Council deem such offences to be serious given the risk to the public.

More than one conviction for motor insurance offences will be considered to raise serious doubts as to an applicant's suitability to hold a hackney carriage/private hire driver's licence. Ordinarily in these circumstances, an application will be refused until such time as a period of three years has elapsed since the restoration of the applicant's DVLA driving licence.

### **Failure to declare motoring offences**

Where an applicant fails to disclose motoring offences on their application form, even if they have been declared on previous applications or are spent, the Council will normally deal with this by way of issuing penalty points.

If, however, the Council determines that there was a premeditated intention to deceive, the matter will be considered as an offence of dishonesty and dealt with in accordance with that section of this Policy.

### **Drunkenness**

Separate consideration will be given to convictions for drunkenness whilst in charge of a vehicle as opposed to drunkenness whilst not in charge of a vehicle, due to the differing risk to the public.

### **In charge of a motor vehicle**

The Council considers driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence causing a high element of risk to the public.

A single conviction for any alcohol-related driving offence will normally preclude an application from being granted for a period of five years from the restoration of the DVLA driving licence.

If there is a suggestion that the applicant is an alcoholic, a special medical examination is likely to be required before the application is considered and a referral may be made to the Council's Safeguarding Group. If the applicant is confirmed as an alcoholic, a period of three years must elapse after treatment is complete before an application can be considered.

More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will normally be refused.

### **Not in charge of a motor vehicle**

An isolated conviction for drunkenness not associated with driving or being in charge of a motor vehicle will not automatically preclude an application.

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Where there is an isolated conviction for disorder and/or drunkenness, a licence will normally be granted together with a written warning as to future driving standards detailing the likely effect of further offences.

More than two convictions for disorder and/or drunkenness will normally lead to refusal of an application until such time as a period of three years free of convictions has elapsed.

### **Drug offences**

The Council considers all offences related to controlled substances as a serious risk to the public.

An applicant with a conviction of any Class A or Class B drug related offence, including supplying or trafficking, will be required to show a period of five to ten years free of convictions before an application is considered. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

An applicant with a conviction of any Class C drug related offence will be required to show a period of at least three years free of conviction

In all cases, where an applicant has been medically classed as an addict, an application will be precluded until such time as a period of five years has elapsed since the completion of a recognised detoxification programme.

### **Sexual or indecency offences**

As hackney carriage and private hire drivers often carry unaccompanied and/or vulnerable people, any applicant with a conviction or caution for any sexual or indecency offence will normally be refused a licence until they have been free of convictions for a period of at least ten years. The length of period over and above the minimum ten years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

Existing licence holders should be aware that if the Council receives notification from the police that the driver is being investigated for a sexual or indecency offence, their licence will normally be revoked with immediate effect pending the outcome of the investigation.

### **Major sexual or indecency offences**

For the purpose of the Policy, the following offences will be considered as major sexual or indecency offences with the highest of risk to the public.

- rape
- indecent assault
- gross indecency
- possession of child pornography
- buggery
- indecent assault of a child

Any applicant with a conviction for a major sexual or indecency offence will be considered an unacceptable risk to the public and any application will be refused, save for exceptional circumstances.

### **Violent offences**

The Council considers all violence related offences as a serious risk to the public.

An application will normally be refused where the applicant has been convicted of murder, manslaughter or causing death by careless or dangerous driving.

An application will normally be refused where the applicant has a conviction for a violent offence, other than those listed above, unless there has been a period of five to ten years free of convictions. The length of period over and above the minimum five years will be dependent on factors such as the nature and severity of the offence, and the length of any custodial sentence.

Offences of criminal damage and public order will be treated as violent offences for the purposes of this Policy.

Whilst an isolated conviction for a violent offence, other than those listed above will not necessarily permanently preclude an application, the Council will have grave concern for public safety if an applicant has committed multiple violent offences.

### **Multiple offences**

In all cases where an applicant has more than two convictions for violent offences, as application will normally be refused. In the case of an existing driver, their licence will normally be revoked.

### **Possession of a weapon**

If an applicant has been convicted of an offence involving the possession of a weapon, or any other weapon-related offence, the Council considers this to be an unacceptable risk to members of the public and the application will normally be refused. In the case of an existing driver, their licence will normally be revoked.

### **Dishonesty**

Hackney carriage and private hire drivers are expected to be persons of trust. It is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become vulnerable to an unscrupulous driver. Equally, any customers can be defrauded by a driver taking them by any other than the shortest route or by them retaining lost property left in the vehicle.

As members of the public entrust themselves to the care of licensed drivers, the Council consider offences involving dishonesty as a serious risk to public safety.

An applicant that has been convicted of an offence related to dishonesty will normally be refused a licence until such time as they have been free of convictions for a period of five to ten years. The length of period over and above the minimum five years will be

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dependent of factors such as the nature and severity of the offence, and the length of any custodial sentence.

### **Other offences**

If the applicant has declared any other offences not specifically covered by this policy on the relevance of convictions, the application may be referred to the Licensing Committee for determination in line with the Policy Objectives.

Receipt of any of the following may result in the licence holder being required to provide annual DBS disclosures until a period of five years has expired.

- criminal conviction
- final warning letter from the Council
- period of suspension of an existing licence.

### **Outstanding charges or summonses**

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. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration may be made at committee.

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.

A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

### **Non-conviction information**

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests they could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

### **Cautions**

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

### **Summary**

Except in the most serious of circumstances, an applicant having a previous or current conviction will not normally be permanently precluded from obtaining a hackney carriage/private hire driver's licence.

The Council believe that a person convicted of an offence, who is required to wait for the expiry of a rehabilitation period prior to their application being considered, is more likely to value their licence and ensure that future convictions are avoided.

The Council consider that there are, however, certain offences that are so serious in nature or frequency that an applicant should be precluded from obtaining or retaining a licence. The Council's over-riding policy objective is to safeguard the safety of the general public by ensuring that all licensed drivers are safe, competent, and are able to maintain their vehicles to an acceptable standard.

By producing clear and transparent guidelines on the relevance of convictions, the Council is seeking to maintain the high standard of hackney carriage and private hire drivers, proprietors and operators within Sevenoaks.

### **Existing licence holders**

Any existing licence holder convicted of an offence during the period of their current licence will be subject to the above policy relating to the relevance of convictions. In circumstances where a new applicant would normally have their application refused, an existing licence holder would normally have their licence revoked.

### **Principles of the Rehabilitation of Offenders Act 1974 ("the 1974 Act")**

Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely. The possibility of rehabilitation, and the length of time before the rehabilitation occurs, depends on the sentence imposed and not the offence committed. Where a person is sentenced to imprisonment for a period exceeding thirty months, the convictions can never be spent.

Despite the above general principles, the Act does not apply to applicants for hackney carriage and private hire driver's licences. This is because the driving of these vehicles is listed as a "regulated occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

Although the 1974 Act does not prevent any judicial authority, including the Council acting as the licensing authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a "fit and proper" person to hold a licence.

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

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage, Private Hire, or Dual drivers licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the

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licensing authority – that is, assessing whether an individual is a fit and proper person to hold a Hackney Carriage/ PHV drivers licence. This authority issues Hackney Carriage, Private Hire and Dual driver licences.

On this basis :

- Where a Hackney Carriage, Private Hire, or Dual drivers licence is revoked, or an application for one refused, the authority will record this decision on NR3;
- All applications for a new licence or licence renewal will be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

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

This is a mandatory part of applying for/being granted, a Hackney Carriage, Private Hire, or Dual drivers licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR) or any subsequent legislation. Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom. If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer.



## **Appendix 2 - Vehicle test standards**

Sevenoaks District Council will not licence any vehicle that is classed as a Category S insurance write off.

### **Licence Plates - currently licensed vehicles**

Where vehicles are presented with licence plates affixed such licence plates in the case of both Hackney Carriages and Private Hire vehicles shall be securely affixed as follows;

#### **External Plate**

External Plates should be fixed under the rear number plate. Elsewhere on the rear exterior bodywork is acceptable (i.e. bumper, boot) subject to the agreement of the Council, provided always that the plate is fixed in the vertical plane; the external plate should never be displayed inside the rear window of the vehicle.

#### **Internal Plate**

Internal Plates should be inside the vehicle on the left hand side of the front windscreen and in plain view of the passengers but avoiding the windscreen wiper area.

#### **Fare Chart**

The Fare Chart should be securely affixed inside the vehicle in such a position that it is clearly visible to passengers and shall contain a copy of the current maximum Hackney Carriage Fare Tariff as currently adopted by the Council (or, if vehicle is Private Hire, the Operator's fares if they are displayed). The vehicle plate number will be shown on the fare chart together with details of how the passenger(s) can make a complaint regarding the vehicle or driver.

#### **Insurance**

A valid copy of the insurance certificate appertaining to the tested vehicle shall be available inside the vehicle.

#### **The standard of the Test**

Any vehicle tested must reach the standards specified within this appendix and be certified roadworthy to MOT standards.

Vehicles of a class that are not subject to EU Type approval, and are being tested for the first time will be additionally tested to ensure tyres, weight limits and any other aspect of the vehicle are safe and mechanically sound as possible for the safety of the passenger. Costs of such additional testing must be paid by the person wishing to licence the vehicle. In addition the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

#### **Exterior bodywork and wheel trims**

The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Minor paint chipping, scuffmarks or very small dents may be accepted, provided that their extent does not impinge materially on the overall appearance of the

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vehicle. Wheel trims must be fitted to all road wheels where part of a manufacturer's original

### **Upholstery**

All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable if greater than 25 mm in any dimension. Upholstery includes seats, headrests, armrests, carpets and other trim.

### **Fittings**

All fittings shall be properly maintained and in good working order. Fittings include clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fittings where the vehicle is to be licensed to carry wheelchair bound passengers.

### **'No Smoking' signs**

In accordance with legislative requirements a 'No Smoking' sign(s) will be exhibited within the vehicle and such sign(s) will be of the approved type.

### **Roof and floor coverings**

Shall be clean and in good condition. No tear or other damage shall exceed 25 mm in length.

### **Number of passengers allowed (the term "passenger" or "person" includes a child or young person)**

At the time of testing a vehicle, the number of passengers which may be carried, (up to a maximum of 8 persons), will be calculated as follows subject to there being one seat belt provided per passenger:

- a. where separate seats for each person are provided, one person for each seat;
- b. where continuous seats are fitted, one person for each complete length of 400mm measured along the front of each seat, and this criterion also applies where there are folding arms;
- c. where there is no separate seat for the driver, i.e. there is a continuous seat, for a right hand drive vehicle, the driver's seat shall comprise so much of the seat as extends from the right hand edge of the seat to a point 450 mm left of the point on the seat directly in front of the centre of the steering column.

### **Taximeters (and Fare Tables for Private Hire Vehicles)**

All Hackney Carriage vehicles licensed or to be licensed shall have a taximeter fitted. Private Hire vehicles, licensed or to be licensed, may have a taximeter fitted. Any vehicle fitted with a meter shall be tested on the road by reference to a measured distance to establish that the taximeter is accurate. In relation to Hackney Carriages the test shall be to establish that the meter does not produce a fare in excess of the maximums prescribed the current Hackney Carriage Fare Tariff approved by the Council. In relation

to Private Hire vehicles the test shall be to establish that the meter does not produce a fare in excess of the operator's current fares. Where a Private Hire Vehicle is fitted with a taximeter a table showing the current fares of the operator shall be displayed inside the vehicle in such a position that it is clearly visible to passengers. In all cases taximeters shall be fitted in such way that they are visible to passengers.

Taximeters fitted to Hackney Carriages (and Private Hire vehicles, if provided with one), must be EU approved or specifically approved by the Council.

### **Disabled person's facilities**

Where a vehicle is fitted with any facilities to assist disabled persons in entering or exiting the vehicle (i.e. swivel seats or similar or wheelchair facilities) such facilities shall be checked for proper operation. Wheelchair lifting equipment must comply with the Lifting Operations Lifting Equipment Regulations 1998 B.

### **Roof signs**

A Hackney Carriage must have a roof "TAXI" sign. Such wording shall be displayed conspicuously in either the front or the rear of the roof mounted display facing either the front or the rear. The sign may be in any position on the roof. The sign shall be illuminated and capable of being turned on and off (preferably via the meter but manual off/on is acceptable). No "TAXI" sign is allowed inside a vehicle. In addition to the word "TAXI" the sign may also contain the words "for Hire" and a taxi firm's telephone number and name. If the vehicle is available for hire the roof light must be illuminated.

A Private Hire vehicle shall not have any roof-mounted sign, or any similar sign inside the vehicle, or any other "thing" which may be mistaken/construed as a Hackney Carriage sign.

### **Doors**

A vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included;

or

A vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior)

### **Windows**

All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations.

### **Company advertising**

For saloons and estate cars all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).

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For transit and people carrier type vehicles all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.

Subject to the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail/social media address or web site, or advisory notices to do with smoking, but lettering height must be a minimum of 75mm and maximum of 150mm.

No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

In the case of Private Hire vehicles company advertising is subject to the specific exclusion of the words "taxi" or "cab" the use of which is not permitted.

Advertising, not relating to a hackney carriage vehicle's proprietor or company, is allowed under certain circumstances and will have been approved by the Council in writing. The written approval must be carried in the vehicle. No such advertising is permitted on a private hire vehicle

### **Luggage space - vehicle boots (and spare wheel in LPG powered vehicles)**

The space provided in the vehicle for luggage stowing whether or not the vehicle has a separate luggage boot shall be clean and tidy with space available for luggage to be stowed.

If the vehicle is powered by Liquid Petroleum Gas and the LPG fuel tank has been installed in the boot space there shall remain free an amount of space for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result of the tank installation must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

Any vehicle adapted or constructed for the use of liquid petroleum gas must be examined to ensure such adaptation or construction complies with the guide lines as laid down by the L P Gas Association and the appropriate certificate(s) and window display is shown.

### **Driving position**

The vehicle must be right hand drive unless the vehicle is a 'stretched limousine'.

### **Mechanical person lift**

If a mechanical person lift is fitted to the vehicle a current test certificate showing compliance with the Lifting Operations Lifting Equipment Regulations 1998 B must be produced at the time of the vehicle compliance test.

### **Taximeters for Private hire vehicles**

A Private Hire vehicle may be fitted with a taximeter. If a taximeter is fitted it shall be of a type which is EU approved or specifically authorised by the Council.

**Roof signs**

The Authority requires that no Private Hire vehicle be fitted with a roof-mounted sign of any kind.

### **Appendix 3 - Assessing applicants and existing drivers for a Hackney Carriage/Private Hire Driver**

Assessing applicants and existing drivers for a Hackney Carriage Private Hire Vehicle driver licence in accordance with group 2 standards.

The following arrangements mean that those with good diabetic control and who have no significant complications can be treated as “exceptional cases” and are not therefore precluded from being licensed as HC/PHV drivers.

The criteria are:

- To have been taking insulin for at least 4 weeks
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when driving either a hackney carriage or PHV vehicle;
- To have no other condition which would render the driver a danger when driving a hackney carriage or PHV; and to sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to the Licensing Authority any significant change in condition.

## **Appendix 4 - Drivers voluntary dress code**

In order to raise and maintain the profile of the licensed trade Sevenoaks District Council is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below. Whilst the Authority does not wish to impose such standards by way of conditions to any licence it expects, however, that such standards will be maintained at all times.

### **Acceptable standards of dress**

- Shirts, blouses, T-shirts or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses may be worn with a tie or open necked.
- Shorts of knee length or trousers / jeans may be worn.
- Footwear for all drivers shall fit around the heel of the foot.

### **Unacceptable standard of dress**

The following are deemed unacceptable:

- Clothing not kept in a clean condition, must be free from holes, rips or odours.
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- Sportswear (e.g. football/rugby kits, track suits) or beach wear etc.)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed (see above).

### Appendix 5 - Specifications relating to Hackney Carriage Vehicles

No vehicle shall be licensed as a hackney carriage unless it is fit for public service and complies with the specifications set out below.

**Licences:** All Vehicle Licences shall be valid for a standard term of one year (unless for administrative reasons a shorter period is appropriate).

#### Age

Subject to the exceptions below;

- The Authority will not license a vehicle, for the first time, if it is more than 6 years old and/or has travelled greater than 100,000 miles (apart from in exceptional circumstances at the discretion of an authorised officer)
- The Authority will not re-license a vehicle if it is more than 10 years old (15 years for wheelchair accessible vehicles) - apart from in exceptional circumstances at the discretion of an authorised officer.

#### Exceptions

Subject to a vehicle being considered mechanically fit for a further year of service the following types of vehicle are exempt:

- Purpose built taxis
- Wheelchair accessible vehicles (these vehicles will be licensed until they are 15 years old but not older than 15 years old)
- Limousines, which must have a minimum engine capacity over 3,000 cc/Specialist Vehicles

#### Type limitations

The Authority will not license a vehicle unless it meets the following criteria:-

- a) The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior). Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.
- b) The vehicle is right-hand drive unless the vehicle is one known as a 'stretched limousine' licensed for private hire use and paragraphs (a), (c) and (d) of this part of the policy will be construed accordingly.
- c) The vehicle must have E.U Type Approval



- d) if (c) cannot be satisfied then a Department of Transport Certificate of Single Vehicle Approval must be produced.

The Authority will allow advertisements to be placed upon a vehicle subject to the following conditions:

- For saloons and estate cars all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).
- For transit and people carrier type vehicles all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.
- Subject to the above, a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail/social media address or web site but lettering height must be a minimum of 75mm and maximum of 150mm.
- No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.
- In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which is not permitted.
- Advertising, not relating to the vehicle's proprietor or company, may, under certain circumstances, be allowed on a hackney carriage vehicle on submission of a written request and details of the advertisement to the Council. Each request will be considered entirely on its own merits and, if approved, the written authority must be carried in the vehicle. No such advertising is permitted on a private hire vehicle.

### **Licence plate content**

The external and internal licence plate issued by the Authority will include the following information;

- Licence No.
- Registration No.
- Vehicle make/Type.
- Licence expiry date.
- No. of passengers.

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### **Minimum number of passengers to be carried**

No vehicle capable of carrying more than 8 passengers can be licensed by the Council.

In order to facilitate the licensing of a wide variety of vehicle types and to encourage more environmentally friendly vehicles the Council has not set a limit on the minimum number of seats but instead requires a minimum space standard per passenger as detailed in the basic specifications for vehicles.

### **Vehicle test standards**

The Authority will not license a vehicle unless the person examining it (for the Authority) has confirmed that it meets the standards specified in Appendix 1 and, at the same time, the vehicle has been certified roadworthy to MOT standard.

Vehicles of a class that are not subject to 'EU Type approval' and are being tested for the first time will be additionally tested to ensure tyres, weight limits and any other aspect of the vehicle are safe and mechanically sound as possible for the passenger. Costs of such testing must be paid by the person wishing to licence the vehicle. In addition, the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

A vehicle is required to be re-examined, when the licence has been in force for six months, to ensure that it continues to meet the standards referred to above.

### **Vehicles powered by Liquid Petroleum Gas (LPG)**

An applicant for a licence involving a vehicle which has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is, therefore, considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

### **Tinted windows (without prejudice to the Road Vehicles (Construction & Use) Regulations 1986)**

All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations.

## **Matters relating to Hackney Carriage vehicles only**

### **Accessibility**

This section of the policy also takes into account the 2007 report published by the European Conference of Ministers of Transport and the International Road Transport Union which recognised that it is impossible to provide for 100% of wheelchair users without reducing the operational viability of the vehicle for the taxi operator and other passengers. There will be a small proportion of people who, because of the size of their wheelchair or the nature of their disability, are unable to access taxis or indeed other forms of mainstream public transport. They will continue to need specialist door-to-door services.

Sevenoaks District Council is committed to promoting inclusive and accessible environments and ensuring a wide range of opportunities are available to residents with disabilities to enjoy a high quality of life. Without the ability to travel, people with disabilities are denied access to life opportunities. Their access to education, shopping, employment, healthcare as well as social and family life is significantly improved when journeys become accessible. For this reason, Sevenoaks District Council considers it important that people with disabilities have access to all forms of public transportation. Accessibility is an important consideration in respect of vehicles licensed as hackney carriages. This Authority will therefore keep this section of the policy constantly under review.

Sevenoaks District Council is aware of the Government's proposals to implement the provisions of the Equality Act 2010 in relation to hackney carriages. The Government announced its proposals for taxis in 2003 and since that time has been consulting and gathering further information.

The Government is now considering how best to bring forward requirements for accessible taxis, and this includes evaluation of all options, both regulatory and non-regulatory approaches are being considered.

The ECMT-IRU recommendations for taxi vehicle accessibility are based on two design levels:

- Type One: Wheelchair Accessible Taxis: accessible vehicles capable of carrying the majority, but not all, passengers who travel in their wheelchair as well as people with other disabilities;
- Type Two: Standard Accessible Taxis: vehicles with features designed to make use by disabled people easier, but which would only be able to carry a wheelchair user who can transfer to a taxi seat.

### **Restriction on numbers of Licensed Vehicles**

Although at the moment there is no restriction on how many hackney carriage vehicles can be licensed, Sevenoaks District Council will seek to address this matter when the

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need arises and may carry out a demand survey to seek clarification whether there is unmet demand for Hackney carriage vehicles within the whole district.

### **Re-allocation of expired Hackney Carriage Vehicle Plates**

If, when a hackney carriage licence expires, the vehicle is not re-licensed within twenty-eight days and the owner does not take steps to inform the Council of his/her intentions, then the plate will be re-allocated. A letter will be sent to the owner of the vehicle advising them that the licence has expired.

### **Taximeters**

The Authority requires every vehicle licensed as a Hackney Carriage to be fitted with a taximeter. The taximeter shall be of a type which is EU approved or specifically authorised by the Council.

The Authority requires all Hackney Carriage vehicles to be fitted with working roof-mounted signs. If the illuminated roof lights have red in them, they must be fitted so that the red light is only visible from the rear. If the vehicle is available for hire the roof light must be illuminated.

## **Appendix 5A - Hackney carriage vehicle conditions**

### **Meanings**

In these conditions, unless otherwise indicated,

“the Council” means the Sevenoaks District Council; and

“the district” means the area of the Sevenoaks District Council

“proprietor” means a person who is the holder of a licence issued by the Council under section 37 of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976

“vehicle” means the vehicle that is specified on that licence.

### **Fixing of vehicle plates**

The proprietor must ensure that the identification plate and fare chart, which have been supplied by the Council, are fixed and maintained in the positions specified and are kept in a clean and legible condition.

### **External Plate**

Under the rear registration number plate or, in exceptional circumstances, another position near that location subject to the Council's prior approval.

### **Internal Plate**

Inside the vehicle on the left hand side of the front windscreen and in plain view of the passengers but avoiding the windscreen wiper area.

### **Fare Chart**

In a conspicuous position inside the passenger compartment of the vehicle so that it can be read by passengers.

### **Roof signs**

The Authority requires all Hackney Carriage vehicles to be fitted with working roof-mounted signs. The proprietor must fix a sign on the roof of the vehicle of a design acceptable to the Council. The sign must have the word TAXI printed on it. It may also have printed upon it the words FOR HIRE and the name and/or telephone number of the proprietor's taxi firm. If the illuminated roof lights have red in them, they must be fitted so that the red light is only visible from the rear. If the vehicle is available for hire the roof light must be illuminated.

### **Advertising and other signs**

The proprietor must not permit any advertising on or in the vehicle which is not advertising their taxi firm unless authorised to do so by the Council in writing.

The proprietor must not permit any sign or mark other than those required or allowed in paragraphs 1 and 2 except with the express consent of the Council.

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Advertisement of the proprietor's taxi firm must be in accordance with the following criteria:

- For saloons and estate cars all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).
- For transit and people carrier type vehicles all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.
- Subject to (1) and (2) the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail address or Web site, or advisory notices to do with smoking, but lettering height must be a minimum of 75mm and maximum of 150mm.
- No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

### **No smoking**

In accordance with legislative requirements a 'No Smoking' sign(s) will be exhibited within the vehicle and such sign(s) will be of the approved type.

### **Spoilage of the interior of the vehicle by passengers**

Where a passenger has spoiled the interior of the vehicle any dispute in this respect including any claim for damages shall be a matter between the proprietor and the passenger.

The above wording shall be reproduced in plainly visible lettering on the fare chart.

### **Wheelchair signs**

Subject to the provisions of paragraph 2 above the proprietor may affix a sign on the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided the vehicle has been manufactured or properly adapted for that purpose.

### **Carriage of animals other than guide/hearing/assistance dogs**

The proprietor has discretion as to whether the vehicle is used to convey an animal other than a guide or hearing dog within the meaning of Section 173 of the Equality Act 2010. When a guide/hearing/assistance dog etc. is conveyed, no extra charge shall be made. Conveyance of a guide or hearing dog etc. may only be declined if the driver of the vehicle has been granted a statutory exemption on medical grounds.

### **Production of certain documents**

The proprietor must at any time by demand of an officer of the Council produce for inspection any or all of the following documents;

- A current, valid, certificate of motor insurance, or cover note valid for at least 28 days for the vehicle that provides insurance cover for it as a Hackney Carriage;
- A current, valid, MOT test certificate for the vehicle as required by S47 of the Road Traffic Act 1988;
- The current proprietor's Hackney Carriage Vehicle licence for the vehicle; and
- The vehicle's V5 Registration Document.

### **Motor insurance certificate**

The proprietor must at all times ensure that the vehicle is properly insured for use as a Hackney Carriage and a copy of the insurance certificate should be available inside the vehicle whilst it is licensed as a Hackney Carriage.

### **Damage to the vehicle**

The proprietor must, in the event of any damage to the vehicle materially affecting its safety, performance, appearance or comfort or convenience of passengers, report the occurrence to the Council with 72 hours in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and the vehicle must not be used for hire again without the approval of the Council.

### **Taximeter**

The proprietor must ensure that the vehicle is fitted with an EU or Council approved taximeter and the taximeter:

- Is calibrated at all times with a tariff not higher than the current Hackney Carriage Fare Tariff approved by the Council.
- Is not tampered with in any way so as to effect the production of a fare that exceeds the maximum fare laid down by the current Hackney Carriage Fare Tariff approved by the Council.
- When its machinery is in action, records on its face, in figures clearly legible and free from ambiguity, the fare which the driver is entitled to demand and take for the hiring of the carriage.
- Has the word 'fare' printed on its face in plain letters so that the word clearly applies to the fare recorded thereon.
- Is positioned so that all letters and figures on its face are plainly visible to any passengers and for that purpose the letters and figures are suitably illuminated during any period of hiring.

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### **Maximum fare**

When the vehicle is hired the proprietor must not in any circumstances require or cause to be charged a fare which is greater than that authorised by the Council's current Hackney Carriage Fare Tariff.

### **Drivers**

The proprietor must ensure that each person who drives the vehicle;

- holds a current and valid Hackney Carriage Drivers Licence issued by the Council.
- is acquainted with and understands their licence conditions and related statutory provisions.
- observes Council Byelaws and related statutory provisions.

### **Breakdowns etc.**

If, whilst hired, the vehicle breaks down or otherwise becomes unfit or unable to carry the hirer to his/her destination, the proprietor must; secure, without delay, suitable alternative transport to carry the hirer to their destination, (unless the hirer voluntarily elects to wait until the vehicle is repaired or is otherwise able to continue the journey) and report the occurrence to the Council within 24 hours.

### **Lost property**

In relation to property which has been left, or may have been left, in the vehicle by passengers the proprietor must;

- search the vehicle daily to establish whether or not there is any such property;
- if any such property is found, notify the Council within 72 hours and provide a description of the property;
- take reasonable steps to secure the return of the property to its owner.

### **Presentation of the vehicle for inspection**

The proprietor must present the vehicle for inspection at any time and at any place required by the Council. If the vehicle is not presented at the place and time required by the Council then it may not be used as a Hackney Carriage without the Council's approval.

### **Disclosure of convictions/cautions**

The proprietor must notify the Council in writing of any convictions or cautions imposed on him/her whilst the licence is in force. Such notification must occur within 21 days of the imposition of a conviction/caution.

### **Transfer of hackney carriage interest in the vehicle.**

If the proprietor, or part proprietor, transfers their Hackney Carriage interest in the vehicle to another person or persons the proprietor, or part proprietor, must notify the Council within 14 days of the date of the transfer and specify the name and address of each person to whom the interest has been transferred. (The Council may, with



reasonable cause, revoke, suspend or review the licence if it considers any transferee is not a suitable person to hold a Hackney Carriage Vehicle Licence).

A fee and change of ownership form must also be submitted to the Council with a valid insurance document, V5 registration document and a current MOT test certificate whenever a vehicle is sold to another licensed driver.

### **Complaints by hirers**

The proprietor of the vehicle must ensure that, should any complaint be made regarding the vehicle or its driver, then sufficient information must be given to the complainant for that person to be able to identify the driver and/or the vehicle and the means of pursuing such complaint with the Council if necessary by giving the details of the Officer Licensing 'Taxis' their office address, name and telephone number.

### **Use of trailers**

The vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall;

- comply with the towing weights specified by the vehicles' manufacturer;
- provide secure and weatherproof stowage for the luggage; and
- have displayed, upon its rear, the vehicle's licence plate.

The vehicle is not permitted to have a trailer in tow whilst it is standing on a taxi rank.

### **Other matters**

The proprietor must ensure that;

- the vehicle is provided with sufficient means by which passengers may communicate with the driver and such means of communication are maintained.
- the vehicle is maintained in a clean, comfortable, safe, watertight, mechanically sound and roadworthy condition.
- at all times windows that are designed to open shall do so in accordance with manufacturer's specifications.
- at all times, the area designed for the stowage of luggage is kept clear and available for the purpose.

### **Tinted windows**

All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations.

### Appendix 5B - Specifications relating to Private Hire Vehicles

#### Licences

All Vehicle Licences shall be valid for a standard term of one year (unless for administrative reasons a shorter period is appropriate).

#### Age

Subject to the exceptions below;

- The Authority will not license a vehicle, for the first time, if it is more than 6 years old and/or has travelled greater than 100,000 miles - **apart from in exceptional circumstances at the discretion of an authorised officer.**
- The Authority will not re-license a vehicle if it is more than 10 years old (15 years for wheelchair accessible vehicles) - **apart from in exceptional circumstances at the discretion of an authorised officer.**

#### Exceptions

Subject to a vehicle being considered mechanically fit for a further year of service the following types of vehicle are exempt:

- Purpose built taxis
- Wheelchair accessible vehicles (these vehicles will be licensed until they are 15 years old but not older than 15 years old)
- Limousines, which must have a minimum engine capacity over 3,000 cc/Specialist Vehicles.

#### Type Limitations

The Authority will not license a vehicle unless it meets the following criteria:-

- a) The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior). Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.
- b) The vehicle is right-hand drive unless the vehicle is one known as a 'stretched limousine' licensed for private hire use and paragraphs (a), (c) and (d) of this part of the policy will be construed accordingly.
- c) The vehicle must have E.U Type Approval

- d) If (c) cannot be satisfied then a Department of Transport Certificate of Single Vehicle Approval must be produced.

### **Environmental considerations**

The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the District by, in particular, reducing the levels of CO<sub>2</sub> emitted from petrol vehicles and the equivalent from diesel. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent on supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

Clearly, emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.

In view of the above detail, unless more urgent measures are introduced by central government in the meantime, this Council will monitor any research published and Government guidelines with a view to specifying vehicle emissions standards and promoting cleaner vehicles.

### **Advertising**

The Authority will allow advertisements to be placed upon a vehicle subject to the following conditions:

- a) For saloons and estate cars all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).
- b) For transit and people carrier type vehicles all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of the front wheels and the rear light cluster.
- c) Subject to the above, a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-

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mail address or Web site, but lettering height must be a minimum of 75mm and maximum of 150mm.

- d) No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.
- e) In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which is not permitted.
- f) Advertising, not relating to the vehicle's proprietor or company, may, under certain circumstances, be allowed on a hackney carriage vehicle on submission of a written request and details of the advertisement to the Council. Each request will be considered entirely on its own merits and, if approved, the written authority must be carried in the vehicle. No such advertising is permitted on a private hire vehicle.

### **Licence Plate Content**

The external and internal licence plate issued by the Authority will include the following information;

- Licence No.
- Registration No.
- Vehicle make/Type.
- Licence expiry date.
- No. of passengers.

### **Minimum number of passengers to be carried**

No vehicle capable of carrying more than 8 passengers can be licensed by the Council.

In order to facilitate the licensing of a wide variety of vehicle types and to encourage more environmentally friendly vehicles the Council has not set a limit on the minimum number of seats but instead requires a minimum space standard per passenger as detailed in the basic specifications for vehicles.

### **Vehicle Test Standards**

The Authority will not license a vehicle unless the person examining it (for the Authority) has confirmed that it meets the standards specified in Appendix 1 and, at the same time, the vehicle has been certified roadworthy to MOT standard.

Vehicles of a class that are not subject to 'EU Type approval' and are being tested for the first time will be additionally tested to ensure tyres, weight limits and any other aspect of the vehicle are safe and mechanically sound as possible for the passenger. Costs of such testing must be paid by the person wishing to licence the vehicle. In addition, the history

of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

A vehicle is required to be re-examined, when the licence has been in force for six months, to ensure that it continues to meet the standards referred to in (a) above.

**Vehicles powered by Liquid Petroleum Gas (LPG)**

An applicant for a licence involving a vehicle which has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is, therefore, considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

**Tinted windows**

All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations.

## **Appendix 5C: Private Hire Vehicle Conditions**

### **Meanings**

In these conditions, unless otherwise indicated,

“the Council” means the Sevenoaks District Council; and

“the district” means the area of the Sevenoaks District Council

“proprietor” means a person who is the holder of a licence issued by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976

“vehicle “ means the vehicle that is specified on that licence

Fixing of licence plates etc.

The proprietor must ensure that the following plates etc. have been supplied by the Council and is responsible for their fixing and maintenance in the positions specified and keeping them in a clean and legible condition.

### **External plate**

Under the rear registration number plate or, in exceptional circumstances, another position near that location subject to the Council's prior approval.

### **Internal plate**

Inside the vehicle on the left hand side of the front windscreen and in plain view of the passengers but avoiding the windscreen wiper area.

### **Fare chart**

In a conspicuous position inside the passenger compartment of the vehicle so that it can be read by passengers.

### **Advertising and other signs**

- a) the proprietor must not permit any advertising on or in the vehicle which is not advertising his/her taxi firm;
- b) the proprietor must not permit any sign or mark other than those required or allowed in paragraph 1 except with the express consent of the Council;
- c) advertisement of the proprietors taxi firm must be in accordance with the following criteria
  - For saloons and estate cars all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area between the centres of the wheels (wheel base).

- For transit and people carrier type vehicles all advertising/graphics etc. must be confined to the side, rear or bonnet. Where advertising appears on the side of such a vehicle it must be contained within the area to the rear of the centre of front the wheels and the rear light cluster.
- Subject to (i) and (ii) the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, E-mail/social media address or web site, or advisory notices to do with smoking, but lettering height must be a minimum of 75mm and maximum of 150mm.
- No graphics/art works or slogans or other displays of any kind are permitted except with the consent of the Council.

### **No smoking**

'No Smoking' signs will be fixed inside the vehicle in accordance with current legislative requirements.

### **Spoilage of the interior of the vehicle by passengers**

- a) Where a passenger has spoiled the interior of the vehicle any dispute in this respect including any claim for damages shall be a matter between the proprietor and the passenger.
- b) The wording in (a) above shall be reproduced in plainly visible lettering within the vehicle (on or next to the fare chart if fitted).

### **Wheelchair signs**

Subject to the provisions of paragraph 2 the proprietor may affix a sign on the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided the vehicle has been manufactured or properly adapted for that purpose.

### **Carriage of animals other than guide/hearing/assistance dogs**

The proprietor has discretion as to whether the vehicle is used to convey an animal other than a guide/hearing or assistance dog within the meaning of Section 173 of the Equality Act 2010. When a guide or hearing dog etc. is conveyed no extra charge shall be made. Conveyance of a guide/hearing or assistance dog etc. may only be declined if the driver of the vehicle has been granted a statutory exemption on medical grounds.

### **Production of certain documents**

The proprietor must at any time by demand of an officer of the Council produce for inspection any or all of the following documents;

- a) a current, valid, certificate of motor insurance or cover note valid for at least 28 days for the vehicle that provides insurance cover for it as a Private Hire Vehicle;
- b) a current, valid, MOT test certificate for the vehicle as required by S47 of the Road Traffic Act 1988;

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- c) the current proprietor's Private Hire Vehicle licence for the vehicle; and
- d) the vehicle's V5 Registration Document.

### **Insurance certificate**

The proprietor must at all times ensure that the vehicle is properly insured for use as a Private Hire Vehicle and a copy of the insurance certificate should be available inside the vehicle whilst it is licensed as a Private Hire Vehicle.

### **Damage to vehicle**

The proprietor must, in the event of any damage to the vehicle materially affecting its safety, performance, appearance or comfort or convenience of passengers, report the occurrence to the Council with 72 hours in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and the vehicle must not be used for hire again without the approval of the Council.

### **Taximeter**

If a taximeter is fitted to the vehicle;

The proprietor must ensure that the taximeter is EU type approved or specifically authorised by the Council and the taximeter;

- is calibrated at all times to include the current fare tariff of the Operator;
- is not tampered with in any way so as to effect the production of a fare that exceeds the maximum fare laid down by the current fare tariff of the Operator;
- when its machinery is in action, records on its face, in figures clearly legible and free from ambiguity, the fare which the driver is entitled to demand and take for the hiring of the carriage;
- has the word 'fare' printed on its face in plain letters so that the word clearly applies to the fare recorded thereon;
- is positioned so that all letters and figures on its face are plainly visible to any passengers and for that purpose the letters and figures are suitably illuminated during any period of hiring.

### **Drivers**

The proprietor must ensure that each person who drives the vehicle;

- a) holds a current and valid Private Hire Driver's Licence issued by the Council;
- b) is acquainted with and understands their licence conditions and related statutory provisions;
- c) observes their licence conditions and related statutory provisions.



### **Breakdowns etc.**

If, whilst hired, the vehicle breaks down or otherwise becomes unfit or unable to carry the hirer to his/her destination the proprietor must;

- secure, without delay, suitable alternative transport to carry the hirer to their destination unless the hirer voluntarily elects to wait until the vehicle is repaired or is otherwise able to continue the journey.
- report the occurrence to the Council within 24 hours.

### **Lost property**

In relation to property which has been left, or may have been left, in the vehicle by passengers the proprietor must;

- search the vehicle daily to establish whether or not there is any such property.
- if any such property is found, notify the Council within 72 hours and provide a description of the property.
- take reasonable steps to secure the return of the property to its owner.

### **Presentation of vehicle for inspection**

The proprietor must present the vehicle for inspection at any time and at any place required by the Council. If the vehicle is not presented at the place and time required by the Council then it may not be used as a Private Hire Vehicle without the Council's approval.

### **Disclosure of convictions or cautions**

The proprietor must notify the Council in writing of any convictions or cautions imposed on them whilst the licence is in force. Such notification must occur within 21 days of the imposition of a conviction/caution.

### **Transfer of private hire interest in the vehicle**

If the proprietor, or part proprietor, transfers his/her Private Hire interest in the vehicle to another person or persons the proprietor, or part proprietor, must notify the Council within 14 days of the date of the transfer and specify the name and address of each person to whom the interest has been transferred. (The Council may, with reasonable cause, revoke, suspend or review the licence if it considers any transferee is not a suitable person to hold a Private Hire Vehicle Licence).

### **Complaints by hirers**

The proprietor of the vehicle must ensure that, should any complaint be made regarding the vehicle or its driver, then sufficient information must be given to the complainant for that person to be able to identify the driver and/or the vehicle and the means of pursuing such complaint with the Council, if necessary, by giving also the details of the Officer licensing private hire vehicles, their office address, name and telephone number.

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### **Use of trailers**

The vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall;

- comply with the towing weights specified by the vehicle's manufacturer;
- provide secure and weatherproof stowage for the luggage; and
- have displayed, upon its rear, the vehicle's licence plate.

### **Other matters**

The proprietor must ensure that;

- the vehicle is provided with sufficient means by which passengers may communicate with the driver and such means of communication are maintained;
- the vehicle is maintained in a clean, comfortable, safe, watertight, mechanically sound and roadworthy condition;
- at all times windows that are designed to open shall do so in accordance with manufacturers specifications;
- at all times, the area designed for the stowage of luggage is kept clear and available for the purpose.

### **Tinted windows**

All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations.

## Appendix 6

### Private Hire driver conditions

In these conditions, unless otherwise indicated,

“the Council” means the Sevenoaks District Council; and

“the district” means the area of the Sevenoaks District Council

“driver of a private hire vehicle “ means a person who has been granted a licence by the Council under section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

A driver of a private hire vehicle shall:

- not wilfully or negligently cause or suffer the licence plate of the vehicle to be concealed from public view while the vehicle is licensed; and
- not cause or permit the vehicle to be used, whilst licensed, with any such plate so defaced that any figure or material particular is illegible.

The driver of a private hire vehicle provided with a taximeter shall: -

- when not hired, keep the machinery of the taximeter inactive so that no fare is recorded on the face of the taximeter;
- before beginning a journey for which a fare is charged bring the machinery of the taximeter into action and keep the machinery of the taximeter in action until the termination of the hiring; and
- cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

A driver of a private hire vehicle shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.

Where a vehicle is equipped with a taximeter and where such taximeter is to be used to record the fare for a hiring, the driver shall -

- ensure, during the continuance of such hiring, that the dial of the taximeter is not concealed in any manner or by any means and that such dial is distinctly and plainly visible and legible to any person hiring or being conveyed in the vehicle;
- cause the dial of the taximeter to be kept properly illuminated throughout the hiring;
- report immediately to the Council and to the Operator any failure of the taximeter;

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- not wilfully or negligently cause or suffer the table of the Operator's fares to be inverted or detached or altered or the letters or figures on such table to be in any manner or by any means concealed at any time.

The driver of a private hire vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

A driver of a private hire vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

A driver of a private hire vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the licence plate affixed to the vehicle.

If a badge has been provided by the Council and delivered to the driver of a private hire vehicle he shall, when working as such and when hired, wear that badge in such position and manner as to be plainly visible.

The driver of a private hire vehicle so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle: -

- convey a reasonable quantity of luggage;
- afford reasonable assistance in loading and unloading; and
- afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

The driver of a private hire vehicle shall be entitled to demand and take for the hire of the vehicle only;

- such fare as may be shown on the face of any taximeter provided in the vehicle (where the fare for the hiring is charged by reference to the Operator's table of fares) save for any extra charges authorised by the Operator which it may not be possible to record on the face of the taximeter; or
- such other fare as may have been agreed with the hirer prior to the commencement of the hiring

The driver of a private hire vehicle bearing a table of the Operator's fares shall not wilfully or negligently cause or suffer the letters or figures in that table to be concealed or rendered illegible at any time while the vehicle is licensed.

The driver of a private hire vehicle shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

The driver of a private hire vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: -

- carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- be entitled to receive from any person to whom the property shall be re-delivered an amount equal to ten pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than twenty five pounds.

Private Hire Driver must comply at all times with the current legislation relating to no smoking in the vehicle whether it is used for the conveyance of the public or not.

### **Informative**

If you accept bookings for the private hire vehicle, which you are driving, direct from a hirer you must ensure that you have a Private Hire Operator's Licence, as it is unlawful for you to accept bookings without such licence.

### Appendix 7

#### Private Hire operator conditions

In these conditions, unless otherwise indicated

"the Council" means the "Sevenoaks District Council",

"the Operator" means the holder of a licence and

"Licence" means a licence granted by the Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 to operate private hire vehicles.

#### Record keeping

The operator shall keep (in a non-erasable form) comprehensive records as follows;

##### A. Drivers

The Operator must keep up to date records of the names and addresses of all licensed drivers who are used and shall notify the Council;

- when any new driver begins service,
- when any driver's service ceases; and
- of any change of address of any driver in service,
- if they become aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties.

##### B. Vehicles

- of all vehicles operated and the dates and times during which they are operated;
- the maintenance history of each vehicle, including details of all repairs carried out;

##### C. Bookings

All bookings made for private hire vehicles shall be recorded the same calendar day and kept for 6 months. The record of each booking must include;

- the source from which the booking came and the time it was received
- pick-up point and the time the journey commenced;
- destination point and the time the journey ended;
- the vehicle used;
- the driver employed;

- by whom the entry was made in the record
- the fare quoted (if quoted) at the time of booking
- the fare actually charged
- the reason(s) why the fare actually charged was different if it was different
- any other relevant information.

#### **D. Staff**

A register of all staff that will take bookings or dispatch vehicles under the authority of the Private Hire Operator will be kept.

The Private Hire Operator will evidence they have had sight of a Basic DBS check on all individuals listed on that register and ensure that Basic DBS checks are undertaken on any individuals added to the register.

The Private Hire Operator will evidence comparable protections are applied by other companies to which they outsource booking and dispatch functions

The Private Hire Operator must provide to the Licensing Authority their Policy on employing ex-offenders in roles that would be on the staff register.

#### **Disclosure of convictions**

The operator shall immediately disclose to the Council in writing details of any convictions imposed on them during the currency of this licence.

#### **Taximeters**

Where a taximeter is used to record the fare for hiring, the Operator shall ensure that a table showing his/her current fare scale is displayed inside the vehicle in a position so that it is plainly and easily visible to any person being conveyed in the vehicle and that the table is kept in clean and legible condition.

#### **Advertisement of business**

The operator must not use in any advertisement of his/her business the words "Hackney Carriage", "Taxi" or "Cab" if licensed Hackney Carriages cannot be supplied.

#### **Surrender of licence**

If at any time during the period of the licence the operator for any reason does not wish to retain the licence (which is not transferable) or if at any time during the period of the licence it is suspended or revoked he must immediately surrender and return the licence to the Council.

#### **Notification of accidents**

If any vehicle (licensed by the Council) which is used by the Operator is involved in an accident the Operator must notify the Council within 72 hours.

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### **Running of a business**

The Operator shall;

- provide a prompt, reliable and efficient service to the public at all reasonable times and in particular ensure that the premises to which the public have access for the purpose of making bookings or waiting for cars etc. are kept clean and provided with adequate seating facilities;
- ensure that the use of the premises which is used for the running of his/her business has no detrimental effect on the neighbourhood.
- notify the Council within 21 days of any change of business address or change of company or trading name.

### **Public Service Vehicles**

Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than 8 passenger seats are required or to accommodate luggage, the booker should be informed that a Public Service Vehicle (PSV) is necessary, and that a PSV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check.

### **Public liability insurance**

If the Operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

### **Driver – Medical fitness**

The Operator must not knowingly permit a driver to drive a licensed vehicle if they are aware that the person is suffering from any illness, disability or condition which may affect their ability to safely carry out their duties.

### **Vehicle with tinted windows**

All windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations.

### **Informative**

The Operator shall be aware that a booking accepted by telephone, or otherwise verbally, is a lawful agreement and he/she may be liable for breach of contract if a booking is not honoured. The accurate recording of booking details is a means of protecting yourself if such circumstances arise.



## Appendix 8

### Hackney Carriage Byelaws

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the District Council of Sevenoaks with respect to hackney carriages in the District of Sevenoaks.

### Interpretation

1. Throughout these byelaws “the Council” means the District Council of Sevenoaks and “the district” means the District of Sevenoaks.

### Provisions regulating the manner in which the number of each hackney carriage, corresponding with the number of its licence, shall be displayed

2. The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

A proprietor or driver of a hackney carriage shall: -

- not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
- not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

### Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall: -
  - provide sufficient means by which any person in the carriage may communicate with the driver;
  - cause the roof or covering to be kept water-tight;
  - provide any necessary windows and means of opening and closing not less than one window on each side;
  - cause the seats to be properly cushioned or covered;
  - cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - provide means for securing luggage if the hackney carriage is so constructed as to carry luggage;
  - provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

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4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say: -
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance and time in pursuance of the tariff fixed by the Council;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

### **Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges**

5. The driver of a hackney carriage provided with a taximeter shall: -
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise, and also at any other time at the request of the hirer.

6. A proprietor or driver of a carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired: -
  - (a) proceed with reasonable speed to one of the stands appointed by the Council;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
  - (d) from time to time, when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. At no time is smoking permitted in any Hackney Carriage or Private Hire Vehicle.
9. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
10. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
11. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage: -
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading; and

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- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

### **Provisions fixing the rates or fares to be paid for hackney carriages within the District, and securing the due publication of such fares.**

15. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that, where a hackney carriage furnished with a taximeter shall be hired by distance and time, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

16.(a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

### **Provisions securing the safe custody and redelivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof**

17. The proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

18. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

(a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge on his giving a receipt for it; and

(b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to ten pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever is the greater) but not more than twenty five pounds.

### **Penalties**

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

**Repeal of byelaws**

The byelaws relating to hackney carriages referred to in the following schedule are hereby repealed.

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### Appendix 9

#### Penalty points system - list of offences/breach of licence conditions

##### Town Police Clauses Act 1847

Section	Offence	Penalty Points
40	Giving false information on application for HC proprietor's licence.	12
44	Failure to notify change of address of HC proprietor.	2
45	Plying for hire without HC proprietor's licence.	8-12
47	Driving a HC without HC driver's licence.	8-12
47	Lending or parting with HC driver's licence.	4
47	HC proprietor employing unlicensed driver.	12
48	Failure by HC proprietor to hold HC driver's licence for person driving the vehicle.	6
48	Failure by HC proprietor to produce HC driver's licence.	3
52	Failure to display HC plate.	4
53	Refusal to take a fare without reasonable excuse	6-12
54	Charging more than the agreed fare.	6-12
55	Obtaining more than the legal fare. (Failure to refund)	6-12
56	Travelling less than the lawful distance for an agreed fare.	6-12
57	Failure to wait after a deposit to wait has been paid.	6-12
58	Charging more than the legal fare.	12
59	Carrying other person than the hirer without consent of hirer	8
60	Driving HC without proprietor's consent.	6-12
60	Allowing another to drive HC without proprietor's consent.	6-12
62	Driver leaving HC unattended.	2
64	HC driver obstructing other HC's.	3

##### Local Government (Miscellaneous Provision) Act 1976

Section	Offence	Points
46(1)(a)	Using an unlicensed private hire vehicle	12
46(1)(b)	Driving a private hire vehicle without a private hire drivers" licence	12
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	8-12
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	8-12

Section	Offence	Points
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle.	12
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire operator.	8-12
48(6)	Failure to display a private hire vehicle plate	4
49	Failure to notify the transfer of a HC proprietor's licence.	3
50 (1)	Failure to present a HC for inspection, as required.	6-12
50 (2)	Failure to inform the Authority where the HC is stored.	3
50 (3)	Failure to report an accident to the Authority within 72hours.	6
50 (4)	Failure to produce the HC proprietor's licence and insurance cert	4
53 (3)	Failure to produce HC driver's licence.	3-4
54(2)	Failure to wear a private hire driver's badge	3-4
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(4)	Failure of a private hire operator to produce his licence on request	4
57	Making a false statement or withholding information to obtain a HC driver's licence.	12
58 (2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	6
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting any vehicle other than a HC to wait on a HC stand.	6
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	6-12
67	Charging more than the meter fare when HC used as PH vehicle.	6-12
69	Unnecessarily prolonging a journey.	6-12
71	Interfering with a taximeter with intent to mislead.	12

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<b>Section</b>	<b>Offence</b>	<b>Points</b>
73(1)(a)	Obstruction of an authorised Officer or Constable.	12
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	6-12
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	6-12

### Equality Act 2010

<b>Section</b>	<b>Offence</b>	<b>Points</b>
165	Failure of a driver of a designated hackney carriage to comply with duties relating to passengers in wheelchairs, or another person who wishes to be accompanied by a disabled person who is in a wheelchair	12
165	Failure of a driver of a designated private hire vehicle to comply with duties relating to passengers in wheelchairs, or another person who wishes to be accompanied by a disabled person who is in a wheelchair	12
168	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	12
168	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	12
170	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	12
170	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	12

### Transport Act 1980

<b>Section</b>	<b>Offence</b>	<b>Points</b>
64(2)(a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	10
64(2)(b)	Causes or permits a vehicle to have a sign above its roof which consists of or includes the word "taxi" or "cab" whether alone or part of another word	10

### Policy: Private Hire Driver's Licence Conditions



Offence	Points
Not being respectably dressed and clean & tidy in appearance	2
Failure to wear a badge.	4-6
Failure to behave in a civil, polite and orderly manner.	3
Failure to ensure the safety of passengers.	4
Concealing or defacing a licence plate.	4
Failure to attend on time for pre-arranged booking without sufficient cause.	3
Conveying a greater number of passengers than permitted.	6
Failure to give assistance with passenger's luggage.	3
Soliciting for hire or accepting a fare that is not pre-booked.	6 -12
Operating a vehicle that is not clean and tidy	2-6
Driving without the consent of the proprietor.	5- 6
Drinking or eating in the vehicle without permission of passenger.	2-3
Causing excessive noise from any radio or sound-reproducing instrument, which annoys anyone in or outside the vehicle.	2
Operating the horn as a means of signalling that the vehicle has arrived.	3
Allowing the vehicle to stand in such a position as to suggest that it is plying for hire, or using a hackney carriage stand.	6
Using a non-hands free mobile phone whilst driving	8
Failure to provide medical certificate or not notifying a medical condition	6-12
Failure to provide a receipt when requested.	2
Failure to operate the meter from commencement of the journey and charging more than the fixed charge for hire of Hackney Carriages.	4-12
Failing to notify changes within 14 days.	3
Failure to produce a copy of the licence.	4
Failure to notify within 7 days of starting or terminating employment, the name and address of the proprietor and the date when the employment either started or ended.	3
Failure to show the private hire driver's licence to the proprietor at the beginning of an employment.	2
Failure to surrender a driver's licence, badge or plate on cessation of employment.	6
Failing to notify of change of address of any amendment to the details of a licence within 14 days	3
Failing to disclose convictions within 7 days.	8 -12
Failure to search vehicle daily or failure to take found property to the Council Offices within 72 hours of finding it.	3

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Offence	Points
Failure to report an accident within 72 hours	3
Carrying an animal other than one with passenger.	2
Carrying an animal not safely restrained.	3
Failure to carry assistance dog without an exemption certificate.	5-6
Failure to comply with wheelchair carriage requirements.	5-6

### Policy: Vehicle Specifications & Conditions of Licence

Offence	Points
Operating a vehicle which does not comply with the Councils Vehicle Specification where such offence is not otherwise specified below	2 - 6
Operating a vehicle, which is not maintained in a sound and roadworthy condition.	6
Operating a vehicle, which is not maintained in a clean and safe condition inside and out.	3
Modifying a vehicle without the consent of the Council	4
Failure to display or maintain external licence plates which indicate the maximum number of passengers who may be conveyed.	4
Hackney vehicle signage not in accordance with council requirements.	4
Affixing or displaying on a private hire vehicle any roof sign.	6
Displaying on a private hire vehicle any sign or notice which consists of or includes the word TAXI or CAB or FOR HIRE	4
Displaying a sign or advertisement that does not comply with Council requirements or is not authorised by the Council.	3
Taximeter which does not comply with the Council's Vehicle Specification.	5
Trailer which does not comply the Council's Vehicle Specification	3
Operating a vehicle which does not comply with the Council's policy requirements	6
Operating a vehicle, which does not comply the Council's Vehicle Specification in respect of window tint.	4
No insurance or inappropriate insurance for the vehicle.	12
Failing to notify vehicle change or transfer within 14 days.	3
Failing to make the vehicle licence available for inspection.	3
Allowing a vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence	8
Failure to properly report an accident to the Authority.	3
Permitting the vehicle to be used for any illegal or immoral purposes.	12

**Policy: Breach of Conditions attached to Operator's Licence**

<b>Offence</b>	<b>Points</b>
Failure to provide a prompt, efficient and reliable service at all reasonable times.	3
Failure to ensure that office staff employed by operator act in a civil and orderly manner at all times.	3
Failure to ensure that a vehicle attends punctually at the appointed time and place unless prevented by some sufficient cause.	4
Failure to keep the premises clean, adequately heated, ventilated, lit, and in accordance with the requirements of licence conditions.	3
Failure to properly keep or produce records of private hire bookings, vehicles, drivers or other documents required to be kept or produced. (see LGMP s56(2) & (3) above)	6
Failure to act properly upon the receipt of a complaint or to notify immediately the Licensing Officer.	4
Failure to notify the Council of any changes, including change of address from where the business operates within 14 days.	3
Failure to disclose in writing within 7 days details of any conviction or police caution imposed on him to the licensing section.	12
Failure to ensure that an appropriate certificate of motor insurance covers every vehicle operated by him under the licence.	6
Failure to obtain appropriate public liability insurance for the premises or to produce the same.	4
Failure to ensure that every driver has a private hire licence and badge.	4
Failure to keep a copy of the conditions at the premises or to make the same available for inspection by passengers.	4
Failure to make the Operator's licence available for inspection. (see LGMP s56 (4) above.	6

**Appendix 10**

**POLICY IN RESPECT OF REQUESTS FOR INFORMATION,  
DISCLOSURE OF INFORMATION, AND USE OF  
INFORMATION AS A RESULT OF AN ENTRY ON NR3**



### **Introduction**

Licensing Authorities are required to satisfy themselves that those holding a Hackney Carriage and Private Hire Vehicle (PHV) drivers licences are 'fit & proper' to do so. This is done firstly during the determination of an application for a licence, and then at any time during the period of holding a licence.

The process of assessing whether an applicant or licensee is 'fit & proper' may vary between authorities but there is widespread consensus on the need to increase consistency and set national standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence – assuming the second authority was aware of the earlier revocation.

Currently if drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicants' past behaviour is being missed and an individual might be able to obtain a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriage and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.

In response to this issue this council has subscribed to the national register of hackney carriage and PHV driver licence refusals and revocations, the National Register of Refusals and Revocations' or NR3. The register will allow licensing authorities to record details of where a hackney carriage or PHV driver's licence has been refused or revoked, and allow licensing authorities to check new applicants against the register. This should help to prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure. For the avoidance of doubt, the NR3 does not extend to vehicle or operator licensing decisions.

### **1. Policy**

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

### **2. Overarching principles**

This policy covers the use that this authority will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of a taxi drivers' licence<sup>1</sup>. This information is important in the context of a

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<sup>1</sup> Throughout this policy reference is made to 'taxi drivers' licence.' This generic term covers a hackney carriage drivers' licence, a private hire drivers' licence and a combined/dual licence.

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subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

This authority has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, this authority will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application<sup>2</sup>.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a further period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated<sup>3</sup>. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case states (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The data will be held securely in accordance with this authority's general policy on the secure retention of personal data which is available at [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) to the end of the retention period, the data will be erased and/or destroyed in accordance

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<sup>2</sup> The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

<sup>3</sup> Any appeal by way of a case must be lodged within 21 days of the decision of either the Magistrates Court or the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

with this authority's general policy on the erasure and destruction which is available at [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

### **3. Making a request for further information regarding an entry in NR3**

When an application is made to this authority for the grant of a new, or renewal of, a taxi drivers' licence this authority will check the NR3.

This authority will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- The results of the search; and
- The use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If this authority discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at **Appendix 1** of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

### **4. Responding to a request for further information regarding an entry on NR3**

When this authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. a combined register of licences granted) and will be retained for the retention period of 25 years.

This authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

This authority has conducted a Data Protection Impact Assessment. This has considered how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of the period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

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If this authority is satisfied that the other authority's (the 2<sup>nd</sup> authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but this authority (the 1<sup>st</sup> authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

We will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within this authority's Hackney Carriage and Private Hire Licensing Policy (Relevance of Convictions and Cautions). Where the reason for refusal to grant or revocation relates to a conviction which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction which is outside those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Lawful basis for processing : It is necessary for the Council to process the personal data contained in the records in the exercise of official authority. To this end the lawful basis relied upon is 'Public Task'.

The public functions and powers in respect of applications for hackney Carriage Licensing are set out in law. In the light of government guidance the Council could not reasonably perform the task or exercise the powers in a less intrusive way.

Any information about convictions will be shared in accordance with this policy under part 2 of schedule 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority will make and then retain a clear written record of every decision that is made as a result if a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and



- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

**5. Using any information obtained as a result of a request to another authority**

When this authority receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications.

This authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority will make in relation to the application.

**APPENDIX 1**

**Information Disclosure Form**

This form is submitted following a search of the National Register of Refusals and Revocations (NR3)

Name of licensing authority requesting information <i>(For completion by requestor authority)</i>	
Requestor authority reference number	
Name of licensing authority from which information is sought	
Name of individual in respect of whom the information is sought	
Decision in respect of which the request is made: a) Refusal b) Revocation	
Other details for this record:  Address:  Driving Licence Number  National Insurance Number (NI)  Reference Number	

**DECLARATION BY REQUESTING AUTHORITY:**

*The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi/private hire vehicle licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.*

*The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and private hire vehicles, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.*

*To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request can be accessed at [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)*

Signed:

Name:

Position:

Date:

*(For completion by providing authority)*

Further information to support decision recorded on NR3 in respect of the above named individual

Declaration by providing authority

*The authority hereby confirms that it has concluded a data protection impact assessment.*

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*It also confirms that the information above is accurate and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above-named authority accordingly.*

*The authority also confirms that, as part of the basis for securing, retaining or applying for a tax/private hire drivers' licence the above named individual has been made aware to the fact that this information will be shared, in accordance with all relevant data and privacy requirements.*

Signed:

Name:

Position:

Date:

**Licensing Committee Work Plan 2020/21 (as at 10/3/2021)**

**24 March 2021**

- Hackney Carriage & Private Hire Licensing: Licence Fees and Charges 2021/2022
- Department for Transport Statutory Taxi & Private Hire Guidance Feedback and Subsequent amendments to Policy

**17 June 2021**

- Licensing Partnership Annual Update

**21 September 2021**

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**4 January 2022**

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