

Hackney Carriage and Private Hire Vehicle Licensing Policy Document 2019

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INTRODUCTION

1.1 Background

Amber Valley Borough Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of Amber Valley.

The grant of all licences shall be considered in the context of this policy, **relevant legislation and guidance** subject to the licensing conditions contained herein.

1.2 Role of Taxis and Private Hire Vehicles

Hackney Carriages and Private Hire Vehicles have a specific role to play in an integrated transport system. They can provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.3 Aims and Objectives of Licensing

The aim of licensing of the Hackney Carriage (“Taxi”) and Private Hire Vehicle (“PHV”) trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to taxi and private hire vehicle services because of the part they play in local transport provision.

Its purpose, therefore, is to ensure the system is operated by fit and proper persons and to prevent licences being given to or used by those who are not suitable persons taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, that they are people who would not take advantage of their employment, and to ensure that Hackney Carriages and Private Hire Vehicles in the district are safe, and that the powers are exercised in compliance with the European Convention on Human Rights.

1.4 Best Practice Guidance

In formulating this policy, advice contained in the “Taxi and Private Hire Vehicle Licensing Best Practice Guidance March 2010” issued by the Department for Transport has been considered. There is recognition within the Guidance that a too restrictive approach may be detrimental to the public interest and could have adverse safety implications and this is taken into consideration within this Policy.

1.5 Departure from Policy

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document.

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, reasons will be given **and recorded** for so doing. **A record will be kept of all such decisions.**

1.6 Implementation

This policy will take effect from **XXXXXX**. Revisions will be considered as appropriate.

Upon implementation of this policy, the Council expects licence-holders to comply with its terms immediately unless otherwise indicated in the policy.

1.7 Enforcement

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the Hackney Carriage and Private Hire Vehicle trades.

In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will operate an appropriate and proportionate enforcement regime. To balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so.

1.8 Delegated Powers

Those Officers of the Council, duly authorised under the Council's Scheme of Delegation, are responsible for the day-to-day operation of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the Policy.

The Licensing Panel has delegated authority to deal with more serious applications and enforcement issues.

1.9 Definitions

- "The Council" means Amber Valley Borough Council and "Borough" means the district of the Council;
- "Private Hire Vehicle" means a private hire vehicle licensed by the Council under the 1976 Act;
- "Taxi" means a hackney carriage licensed by the Council under the 1847 Act;
- "Driver" means a driver licensed by the Council under the 1847 Act and the 1976 Act and "Badge" means the badge owned and issued by the Council for the purposes of identifying the driver as such;
- "Operator" means a person licensed by the Council under the 1976 Act to operate Private Hire Vehicles.
- "Vehicle" means a licensed Taxi or Private Hire Vehicle
- "Licence" means a Taxi and Private Hire Vehicle Drivers Licence issued by the Council under the 1847 Act and the 1976 Act
- "TPCA 1847" means the Town Police Clauses Act 1847
- "LGMPA 1976" means the Local Government (Miscellaneous Provisions) Act 1976
- "Authorised Officer" means any officer of the Council authorised in writing by the Council for these conditions.
- Reference to days is clear days unless working day is specified

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2. General Information

- 2.1 The Licensing Section will be open to the public WITHOUT an appointment between 10.00 am and 12 noon Monday to Friday.

Persons wishing to visit the council offices outside of these hours should ring the Licensing Section on 01773 841637 to make an appointment. Please be aware that you will not be seen if an appointment has not been made.

2.2 Fees and charges

All applications for licences are accepted subject to the following conditions:

- Payment of the appropriate fee must accompany the application
- Fees and charges for vehicle licences are payable in advance. Partial refunds are given on certain vehicle replacements
- Cheques should be made payable to Amber Valley Borough Council.

A current list of all fees and charges can be found on the Council's website.

3. Hackney Carriage and Private Hire Driver's Licence

Requirements

- 3.1 Every driver of a Taxi or Private Hire Vehicle must be licensed by the Council (Section 46 LGMPA 1976).

- 3.1.1 The Council cannot grant a driver's licence unless it is satisfied that the applicant:

- Is a fit and proper person (Section 59 LGMPA 1976)
- Has held a full UK/EU driving licence for motor cars for at least **one** year (Section 59 LGMPA 1976)
- Is medically fit to drive (Section 51 and 57 LGMPA 1976)

- 3.1.2 The Council will not grant a Hackney Carriage and Private Hire Drivers' Licence to any person who is not able to provide proof of their right to be in the UK and to work here.

- 3.1.3 Hackney Carriage/Private Hire Driver's Licences will be issued for 3 years from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate to the circumstances.

3.2 How to make your first application for a drivers' licence

On a first application you must produce:

- The completed application form
- The appropriate fee
- 2 passport sized photographs
- A full UK/EU driving licence. You must have held your licence for a period of at least **one** year
- An Enhanced Disclosure and Barring Service Certificate (see paragraph 6)
- Proof of your right to live and work in the UK (see paragraph 5)
- A medical certificate from a doctor unless you hold a current PCV or HGV licence (see paragraph 3.4).

3.3 Knowledge Test

Once the application is complete, an appointment will be made for you to take a knowledge test. To take the test, you must report to the Licensing Section at an arranged time and date, bringing with you a receipt of payment.

3.3.1 Requirements of the Knowledge Test

All applicants are required to undertake a written test as to their knowledge of:

- Local geography
- The Highway Code
- Hackney Carriage and Private Hire Licensing Law
- The Council's Taxi Policy
- Basic minimum standards of English

The contents of the knowledge test may be amended at any time in line with any changes in legislation or best practice.

No one can accompany you whilst you complete the knowledge test and a pass rate of 75% must be attained. No mobile phone, electronic device, documentation or road maps are to be used whilst completing the test.

3.3.2 If a knowledge test is failed

If you fail the test at the first attempt, then you may retake the test. A non-refundable fee will be paid per test undertaken and/or retaken.

No more than three tests can be taken within a 6-month period.

3.4 Medical Certificate

A DVLA Group 2 medical certificate must be produced when applying for your first licence unless you hold a current PCV or HGV licence. **In line with DVLA guidance a further medical will be required when reaching the age of 45 years then every 5 years until reaching the age of 65 years, when a medical certificate is required to be produced annually.** The medical can be carried out by a doctor of the applicant's choice but must be carried out to the DVLA Group 2 medical standards. Medical forms are available on request from the Licensing Section.

Medical Certificates must be dated within the past **THREE** months at the time of application.

Licence holders must advise the Licensing Section of any deterioration in their health that may affect their driving capabilities **as soon as practicable. The licence holder may be asked to obtain further medical confirmation from their medical practitioner to confirm that they remain fit to drive under Group 2 medical requirements.**

3.5 Disability Awareness Training

The Equality Act 2010 imposes a duty of those who provide transport services to make reasonable adjustments to provide such services for anyone with a disability. This duty specifically extends to those driving taxis and private hire vehicles. All drivers must take a Disability Awareness Training course provided on behalf of the Council.

This training must be undertaken within 12 months of the grant of your first drivers' licence by the Council. Failure to do so may result in the suspension of the Hackney Carriage/Private Hire Driver's Licence until the training has been completed.

3.6 Safeguarding Training

Applicants must attend a training course entitled “Safeguarding Vulnerable People in Partnership with the Transport Sector”. This training must be undertaken within 12 months of the grant of a Hackney Carriage/Private Hire Driver’s Badge. Failure to do so may result in the suspension of the Hackney Carriage/Private Hire Driver’s Licence until the training has been completed.

Attendance will be excused on the production of a Safeguarding Training Certificate undertaken with another authority in the previous 12 months.

4. National Register of Taxi Licence Revocations and Refusals

Licensing Authorities are required to satisfy themselves that those holding Hackney Carriage and Private Hire Driver’s Licences are “fit and proper” to do so. This is done firstly during the determination of an application for a licence, and then at any time during the currency of a licence. For example, when evidence is obtained that suggests that a licensed individual is not a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew a licence.

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

Therefore, where a hackney carriage/private hire driver’s licence is revoked, or an application for one refused, this authority will automatically record this decision on NR3. Information will be retained on NR3 for a period of 25 years.

The information recorded on NR3 will be limited:

- Name
- Date of birth
- Address and contact details
- National Insurance number
- Driving licence number
- Decision taken
- Date of decision
- Date decision effective

All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with the applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

Licensing authorities are still required to consider each application on its own merit, but NR3 will help ensure that decisions can be based on all the information that is relevant to an application.

Further information can be found in the Council’s Policy relating to the use and disclosure of information on the NR3 register at:

<https://info.ambervalley.gov.uk/docarc/docviewer.aspx?docguid=101bd5d6cf9e4b1aafb241701358c9a5>

5. Eligibility to work in the U.K.

The Immigration Act 2016 amended existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle (PHV) and taxi sector. With effect from 1 December 2016 the provisions of the 2016 Act prohibit all licensing authorities across the UK from issuing to anyone who is disqualified by reason

of their immigration status and they discharge this duty by conducting immigration checks. The 2016 Act also embeds other immigration safeguards into the existing licensing regimes across the UK.

The provisions mean that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

Licensing authorities discharge this duty by requiring the applicant to submit one of several prescribed documents which show that the applicant has permission to be in the UK and undertake work as an operator or a private hire or taxi driver. The check will be performed when the applicant first applies for a licence or first applies to renew or extend their licence whether for the full statutory term or a lesser period. For those who have limited permission to be in the UK, the licensing authority must repeat the check at each subsequent application to renew or extend the licence until the applicant demonstrates that they are entitled to remain indefinitely in the UK.

Where a person's immigration permission to be in the UK is time limited to less than the statutory length for a driver or operator licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in and work in the UK.

The Council is under a legal obligation not to issue a licence unless the applicant submits one of several prescribed documents which shows that the applicant has permission to be in the UK and undertake work as an operator or PHV or taxi driver.

You must produce the **original** document and the council will retain a copy for their records to prevent having to repeat checks when you next apply to renew or extend your licence.

List of prescribed documentation:

List A	
1.	A passport showing the holder, or a person named in the passport as the child of the holder, is a British Citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2.	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3.	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4.	A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
5.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK
6.	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK
7.	A current immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no

	time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8.	A birth (short or long) or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9.	A birth (short or long) or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10.	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B Group 1

1.	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3.	A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4.	A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B Group 2

1.	A certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.
2.	An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3.	A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

6. Previous Convictions and Disclosure and Barring Service (DBS) Checks

6.1 Previous Convictions

An enhanced criminal record check giving information on both barred lists for children and vulnerable adults is essential in assessing a driver's suitability to hold a licence.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage/private hire driver's licences. All convictions, including those that would normally be regarded as spent must be disclosed.

6.2 Disclosure and Barring Service procedure

Applications for a Disclosure and Barring Service Certificate can be made via Ripley CVS, 35 Market Place, Ripley, DE5 3HA. **CVS make a charge for this service.** Please telephone 01773 512076 to make an appointment. A licence will NOT be issued **or renewed** until the certificate is produced to the Council.

Certificates must be less than one month old when produced to the Council.

The Council will consider each application on its own merits once the application form and supporting documents are complete.

A Disclosure and Barring Service Certificate must be submitted to the Council every third year upon application for the renewal of your badge. The Council reserves the right to request additional disclosures at any time if it is considered necessary to ensure the protection of the public.

The Council will accept criminal record checks from other organisational bodies such as Derbyshire County Council, provided they are enhanced and that the child/adult barred lists have been applied for. All certificates must be no more than one month old at the time of production to the Council.

In the interests of public safety, a licence will not normally be granted to any individual that appears on either barred list.

6.3 Update Service

All drivers must subscribe to the Disclosure and Barring Update Service following the issue of their certificates. This allows further disclosures to be obtained instantly, therefore avoiding the scenario of a driver being unable to work due to their certificate not being returned before the expiry of their current badge.

The update service also gives additional public safety protection as additional checks can be made on licensed drivers if the Council deems it necessary and proportionate to do so to ensure public safety.

A fee of £13 per year (as at the publication of this policy) is charged for this service and further detailed information can be found at www.gov.uk/dbs-update-service.

6.4 Licensed drivers are obliged to notify the Licensing Section, verbally within 72 hours followed by written notification within 7 days of any criminal convictions. Where criminal records are not being checked every 12 months, it is clearly more important that this requirement is strictly adhered to and accordingly any breaches of this requirement will immediately become the subject of an interview with the Licensing Manager

and possible referral to the Licensing Board/Panel to confirm whether the “fit and proper person” criteria still applies.

6.5 The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties. The applicant will receive the Disclosure and Barring Service Certificate to their home address, and the certificate must be produced to the Council prior to the badge being issued.

6.6 **Failure to disclose conviction**

The failure to declare a conviction or other material fact may result in the immediate suspension of your licence.

6.7 **Drivers’ Badges**

All drivers must wear an identity badge. It must be clearly visible to passengers. The licence issued must be deposited with the proprietor of the vehicle being driven (Section 48 TPCA 1847)

6.8 **Refusing to Drive**

It is an offence for a driver, whilst the Taxi is standing on an appointed stand, to refuse, without reasonable excuse, to drive to any point within the Amber Valley Borough Council area. The Council will consider the revocation of a licence for this offence (Section 53 TPCA 1847)

6.9 **Obstruction of other drivers**

It is an offence to obstruct the driver of another taxi in setting down or picking up passengers, or preventing another driver from being hired (Section 64 TPCA 1847)

6.10 **Foreign nationals and applicants who have lived abroad**

Any foreign national or applicant who has lived abroad for six continuous months or more within the past five years will be required to produce a document from the relevant Government or Embassy of their country of origin, or last place of residence if more appropriate, which provides a comprehensive criminal record. This document must provide contact details of the Embassy or Government in order that officers can verify its authenticity.

All costs in respect of this documentation will be borne by the applicant. This document is in addition to the DBS Certificate.

6.11 **Loss or theft of drivers’ badges and vehicle plates**

Loss or theft of licences, drivers’ badges or vehicle plates should be reported immediately to the Licensing Section. A replacement licence, badge or plate will be issued once the appropriate fee has been paid.

If your vehicle plate is lost or stolen written confirmation must be submitted to the Licensing Section immediately together with the appropriate fee for a replacement plate. The police must also be informed, **and a crime reference number obtained** prior to a replacement plate being issued

7. Renewal of Hackney Carriage/Private Hire Driver’s Licence

7.1 You must apply for renewal while the existing licence is still in force. The Council will endeavour to remind holders of driver’s licences to renew their licences two to three months prior to their expiry. However, not having received a reminder will not be accepted as a reason for non-renewal of licences. It is the holder’s responsibility to ensure that their licence is renewed within the time limits.

7.2 To ensure that all documentation is received back from the Council it is important that all applications for renewal are made six/eight weeks prior to the expiry of the current licence.

Failure to renew/produce all the required documentation on time will result in you being unable to drive.

7.3 How to renew a drivers' licence

To renew your drivers' licence, you must produce the following documentation:

- The completed renewal application form
- The licence fee
- 2 passport-sized photographs
- A full UK/EU driver's licence
- A Disclosure and Barring Service Enhanced Certificate (no more than one month old at the time it is produced to the Council).
- Completed DVLA mandate or code to obtain the mandate electronically
- A medical certificate from a doctor where applicable (no more than three months old at the time it is produced to the Council).
- Proof of completion of your Disability Awareness Training (first renewal only)
- **Proof of completion of undertaking Safeguard Training (first renewal only)**
- Proof of right to live/work in the UK (unless previously produced at initial grant of your licence)

7.4 Drivers who do not renew their badge but then make an application for a badge within 6 months following the expiry of their previous badge will be required to produce an Enhanced DBS Certificate and the production of a medical certificate will be criteria based. However, applicants will be excused from re-sitting the knowledge test and disability/safeguarding training. Any applicant whose badge has lapsed for more than 6 months must make a complete fresh application.

7.5 Suspension and revocation of driver's licences

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

- The commission of an offence involving dishonesty, indecency or violence
- The commission of an offence under the legislation or the Council's Hackney Carriage and Private Hire Licensing Policy
- Any other reasonable cause (Section 61 LGMPA 1976) (including a breach of condition or the Driver's Code of Conduct)

On revocation or suspension of the driver's licence, the badge must be returned to the Council on demand (Section 61 LGMPA 1976).

7.6 If your application is refused or your existing badge is revoked a further application for a driver's badge cannot be made until at least 12 months from the date of refusal/revocation.

8. Applications for Hackney Carriage/Private Hire Vehicle Licences

8.1 Introduction

There is no fixed limit to the number of taxi licences issued by Amber Valley Borough Council. An authorised officer, under powers delegated by the Council, considers each application for a new licence individually. These powers enable the authorised officer to grant taxi/private hire vehicle licences where the vehicle fulfils the **relevant criteria or in certain circumstances the application may be referred to the Licensing Panel for determination.**

You will be expected to demonstrate either to the appropriate officer, or to the Licensing Board/Panel (as applicable), that you are a “fit and proper person” and are able to provide a satisfactory service to the travelling public.

8.2 How to make your first application to licence a vehicle as a private hire vehicle/hackney carriage

The following documentation must be submitted:

- The completed application form
- Insurance certificate covering public hire or private hire as appropriate
- The test fee
- MOT Test Certificate
- The vehicle registration document. If the vehicle registration document is not available, you must produce proof of purchase of the vehicle. You must, however, produce the vehicle registration document to the Council within 28 days or the vehicle licence may be suspended.

Arrangements will be made, through the licensing officer, for a vehicle to undertake a roadworthy test at the Council’s approved testing station. After the satisfactory completion of the test a vehicle licence and plate will be issued. The licence will cover a fixed date twelve-month period.

Please note if you cancel a test without giving a minimum of 48 hours’ notice (excluding weekends and bank holidays) a cancellation fee will be charged.

8.3 Re-tests

If the vehicle fails its test, re-test appointments can only be booked through the Licensing Section and the re-test fee must be paid **prior to presenting the vehicle at the testing station**. You must contact the Licensing Section for the necessary arrangements to be made.

Please note if you cancel a re-test without giving a minimum of 48 hours’ notice (working week) a cancellation fee will be charged.

8.4 Changing the vehicle

If you change your vehicle, an application can be made to transfer the plate from the old vehicle to the new vehicle. Applications should be made to the Licensing Section to licence the new vehicle. You may be entitled to a partial refund of the licence fee in respect of the old vehicle.

8.5 Transfer of ownership

If you wish to transfer your interest in a vehicle, you will need to notify the Licensing Section. The application to transfer must be accompanied by a valid certificate of insurance and the vehicle registration document. If the vehicle registration document is not available, proof of purchase of the vehicle must be produced, **together with a letter from both parties confirming sale/purchase of the vehicle**.

The vehicle registration document must be produced to the Licensing Section within 28 days or the vehicle licence may be suspended. If everything is in order, the transfer can be affected. If the vehicle is disposed of then the vehicle licence and plates must be returned to the Council within 7 days of disposal.

8.6 Age of Vehicles

Vehicles, irrespective of age, are tested twice a year. No fees are required for mid-term tests (unless the vehicle fails its test and a re-test is required).

Only vehicles under the age of 5 years can be licensed for the first time. Exceptions will be made for wheelchair accessible vehicles where the vehicle is under 6 years of age and has travelled less than 50,000 miles.

A vehicle will be licensed for 12 months on the renewal date prior to the vehicle reaching 10 years old. To enable the vehicle to remain licensed beyond this time the vehicle must undertake and pass stringent checks to ensure it is mechanically and cosmetically fit to remain a licensed vehicle. All costs for the test will be borne by the applicant. Please see Appendix D for full details.

The Council will not issue or renew a licence in respect of a vehicle unless the Vehicle Registration Document has been produced to the Licensing Section.

8.7. CCTV /SECURITY

- 8.7.1 The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.
- 8.7.2 Video surveillance systems are permitted to be fitted to the vehicle provided that the CCTV system:
- Is of a make, type and design approved by the Council
 - It is not changed in any way from its original design and free of damage and maintained in a working condition
 - The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle
 - The system is not on continuous sound recording mode and the sound recording is only enabled following risk assessment
 - The recording system and memory card (or other image recording system) must be securely stored within the vehicle and away from public access
 - Installation and maintenance must be in accordance with the manufacturer's specifications and recommendations
 - Images contained in the recording device may only be downloaded by an authorised officer of the Council or Police Officer unless the vehicle licence holder or licensed driver is registered with the Information Commissioner as a Data Controller.
 - Documentation must be produced providing evidence that all data protection/surveillance controls have been addressed.
- 8.7.3 It is not proposed that measures such as CCTV cameras should be required as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. However, installation of CCTV cameras in vehicles on a voluntary basis will require the operator to handle relevant data gathered in an appropriate and secure manner.

8.8 Equality Act 2010

This Act contains provisions which apply to all Taxis and Private Hire Vehicles, S.168 imposes the duty on taxis, S.170 imposes the duty on Private Hire Vehicles.

8.8.1 Passengers in wheelchairs

Section 165 of the Equality Act 2010 places the following duties on drivers of designated wheelchair accessible vehicles. These include:

- To carry the passenger while in the wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair

- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passengers such mobility assistance as is reasonably required.

8.8.2 Guide dogs in taxis

The Equality Act 2010, sections 169(4)(b), 173(1) and 207(4)(a) places a duty on taxi/private hire vehicle drivers to carry guide, hearing and other assistance dogs accompanying disabled people in their licensed vehicles and to do so without charge.

Drivers, if convicted, can face a fine of up to £1,000 if they do not comply with either of the above provisions under the Equality Act 2010.

8.8.3 Drivers who, for medical reasons are unable to accept wheelchair passengers or accessibility animals can apply to the Council for an exemption certificate. Section 166 states the conditions on which the Council must issue an exemption certificate. Such a certificate will only be issued on production of medical evidence as proof that they cannot comply with the Equality Act 2010. Exemption certificates, which show the photograph of the driver must be displayed in the vehicle whenever the driver is working.

The Council has published and maintains a list of wheelchair accessible vehicles on their website under Section 167 of the Equality Act 2010. Under this definition a “designated vehicle” is any vehicle capable of carrying a passenger in the wheelchair on a journey.

Drivers must give assistance to wheelchair users wishing to use their vehicle.

Drivers cannot charge extra for a fare simply because a passenger is a wheelchair user.

8.9 Name of company

The Council must be satisfied that the proposed name of the applicant’s company is suitable and does not conflict with existing licensed operators.

8.10 Fares

When determining the level of fares, consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed. In reviewing the fares tariff the Council and trade will consult and follow the appropriate procedures detailed in the LGMPA 1976.

8.11 National Flags

When major events occur (e.g. a world cup, coronation, royal wedding etc.) a maximum of one flag may be flown on a licensed vehicle. The flag must be of a size and manufacture that will not obstruct the driver’s view in any way, nor endanger the safety of other road users or pedestrians. All flags are flown at the proprietor’s risk and must not be offensive to others.

8.12 Immediate suspension

If your vehicle is given a Suspension Notice by an Authorised Officer the vehicle cannot be used under any circumstances as a licensed vehicle until it has been re-examined and the Suspension Notice lifted by the external authority who suspended the licence (e.g. VOSA, Police etc).

If the Council’s Enforcement Officer suspends the vehicle, it must not be used under any circumstances as a licensed vehicle until it has been re-examined and the Council’s Testing Station or the Enforcement Officer lifts the Suspension Notice. The proprietor must inform the Council’s Licensing Section immediately (or at the first available opportunity if outside office hours) to inform the section that the vehicle has been examined at the testing station and the tester confirms that the suspension can be lifted.

When a vehicle is ready to be re-examined, an appointment may be made for the examination of the vehicle. The test will be subject to the normal scale of charges. When a vehicle passes the test, the tester will issue a pass certificate.

9. Hackney Carriage Vehicles

9.1 Plying & Standing for Hire

Licensed Taxis may ply for hire on any street within the Amber Valley Borough Council area. They may only stand for hire on appointed taxi stands (Section 38 TPCA). It is an offence to ply for hire outside of these boundaries (Section 45 TPCA).

A list of the appointed stands can be found on the Council's web site at:

<https://www.ambervalley.gov.uk/licensing/taxi-and-private-hire-vehicle-licensing/taxi-ranks/>

9.2 Drivers of Licensed Vehicles Must Be Licensed

Once a vehicle is licensed as a Hackney Carriage every driver of that vehicle, whether it is used for business or pleasure, **MUST** possess a current hackney carriage/private hire driver's licence (Section 46 TPCA).

9.3 Charging Separate Fares

The practice of "doubling up" of passengers and charging separately is illegal except in the following circumstances: -

- The driver, proprietor, or any other person must not organise people to share a vehicle whilst the vehicle is plying for hire on the streets or standing for hire at a rank. Only prospective passengers may agree amongst themselves to share and then approach the driver or proprietor with a request, and
- If the journey begins and ends in the Amber Valley Borough Council area the taxi meter must be used to determine the fare, and the fare charged in total must not exceed that finally displayed on the meter;
- If the journey begins or ends outside the Amber Valley Borough Council area the charge is negotiable. If no negotiations take place then the meter must be used, and no more than that recorded on it must be charged in total;
- The amount of each separate fare must not, in total, exceed that which would normally be charged for the total journey if it had been one fare. The driver is not able to decide what to charge each passenger. The passenger themselves must apportion the fare between themselves (Section 10, Part 1, Transport Act 1985)

OR

- All the passengers carried on the occasion in question book their journeys in advance, and
- Each of them consented, when booking their journey, to sharing the use on that occasion with others on the basis that a separate fare would be payable by each passenger for his own journey on that occasion (Section 11, Part 1, Transport Act 1985).

9.4 Roof Signs

All taxis must have a roof sign of the illuminated type and display the word "TAXI". The sign shall be wired to the taximeter to enable it to be extinguished during the carrying of a fare for which the meter is in operation.

9.5 Fares

Journeys which begin and end within the Amber Valley Borough Council area:

For every such journey, the taxi meter must be engaged at the commencement of the journey and no more than is displayed on the meter at the end of the journey be charged.

Journeys which begin or end outside of the Amber Valley Borough Council area:
For these journeys the fare is negotiable with the hirer, provided that if no negotiation is entered into, no fare greater than that displayed on the meter can be charged. The meter must be used.

9.6 Tariffs

Tariffs set by the Council relate to the mileage, waiting time and the time journeys commence. Tariffs are NOT dependent on the number of passengers being carried or any other circumstances (e.g. NO additional charge may be imposed for carrying disabled persons, wheelchairs, luggage or guide dogs).

9.7 Meters

All Taxis are required to be fitted with a taximeter installed by an approved taximeter installer.

The taximeter fitted in a Taxi will be sealed and calendar controlled to the current tariff as set by the Council.

Taxis, when used for private hire, must charge from the point of pick-up to the point of drop off and use the meter.

Whatever type of journey, the taximeter must be in operation during the hiring, even if the fare is being negotiated.

9.8 Vehicle Plate Numbers

Plates must be firmly fixed to the rear of the vehicle (unless the vehicle holds an exemption certificate). Plates may only be fitted in the rear window if it has a vertical window and any tinted glass is removed to ensure clear visibility of the plate.

The display of plate numbers must not be concealed. (Section 52 TPCA 1847)

9.9 Wheelchair Accessible Vehicles

9.9.1 The Council has no limit on the number of additional Taxis for vehicles that meet the following criteria:

- The vehicle must be wheelchair accessible
- The vehicle must be less than five years old (or under 6 years of age if less than 50,000 miles) at the time the application is made and no further licences will be issued by the Council when it has reached the age of 10 years (unless the vehicle meets the Council's exceptional condition criteria – see Appendix D)
-

9.9.2 Each application will be treated on its merits, but the following is a list of vehicles that the Council has previously licensed, but is not exhaustive:

- London Type Taxis
- Fiat Doblo
- Fiat Doblo Dynamic
- Mercedes VITO
- Peugeot E7
- Peugeot Euro Bus
- Peugeot Partner
- Peugeot Premier
- Fiat Euro Cab
- Purpose built wheelchair accessible vehicle

9.9.3 Wheelchair access

In addition to all other licensing conditions, any applicants seeking the grant of a licensed vehicle in which it is intended to carry passengers who are seated in a wheelchair the vehicle must comply with the following:

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA).
- A nearside or rear door may be used for wheelchair access. The Council would prefer side loading vehicles or rear loading vehicles that have a power lift.
- There should be sufficient space within the vehicle for a wheelchair to turn or a designated wheelchair area. The requirements listed in this specification are to accommodate a wheelchair measuring 1200mm front to rear and 700mm wide.
- There must be at least one doorway through which a wheelchair and occupant can enter. This doorway must be located at the rear or nearside of the vehicle.
- An approved ramp or ramps for loading of a wheelchair and occupant must be available at all times for use at the rear of the vehicle or nearside passenger door.
- Ramps must be clearly marked with the vehicle registration, plate number and weight restriction.
- There must be a slip resistant surface on the ramp/ramps and a safety guard fitted and used at all times.
- Anchorages must be provided for the wheelchair and chair bound passengers.
- Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair in order to assist a person to remain in it whilst travelling will not be acceptable.
- Vehicles must be capable of transporting a folded wheelchair as luggage.
- A purpose designed tail lift, manufactured and installed in accordance with European standard (C.E.) PRENT 1756 – as amended, and which shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (a report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection).

For full vehicle specifications in respect of Hackney Carriage Vehicles please refer to Vehicle Licence Conditions at Appendix C.

10. Private Hire Vehicles

10.1 Plying for Hire

Private Hire cars must not pick up passengers without a prior booking made by the hirer direct with the operator for which the vehicle works. Failure to do otherwise is an offence and invalidates your insurance cover (Section 45 TPCA 1847).

10.2 Drivers of Licensed Vehicles Must be Licensed

Once a vehicle is licensed as a private hire vehicle EVERY driver of that vehicle whether it is used for business or pleasure must possess a current private hire vehicle driver's licence (Section 46 LGMPA 1976).

10.3 Production of Licences

Licence-holders must produce the licences to an Authorised Officer or Police Constable if requested to do so (Section 50, 53 and 56 LGMPA 1976).

10.4 Charging Separate Fares

The practice of "doubling up" of passengers and charging separate fares is legal only in the following circumstances:

- All the passengers carried on the occasion in question booked their journeys in advance, and
- Each of them consented, when booking their journey, to sharing the use of the vehicle on that occasion with others on the basis that a separate fare would be payable by each passenger for his own journey on that occasion (Section 11, Part 1, Transport Act 1985.)

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

10.5 Responsibility

Every hiring of a private hire vehicle shall be deemed to have been made with the operator who accepted the booking, whether or not he himself provided the vehicle (Section 56 LGMPA 1976). Operators are therefore directly responsible for the acts or omissions of drivers or proprietors used by them and must therefore ensure that all vehicles and drivers are licensed and insured.

10.6 Accident & Damage to Vehicles

Accidents causing damage to vehicles, which materially affect the safety, performance or appearance of the vehicle, must be reported to the Licensing Section within 72 hours (Section 50 LGMPA 1976) and in writing within 7 days.

10.7 Special Cases

The following examples show whether in specific cases a vehicle will generally need a private hire vehicle licence or not. Often the answer will depend on the particular circumstances of the case and, if in doubt, you should contact the Licensing Section for clarification.

10.8 Funeral Cars

Vehicles used wholly or mainly for funerals by a Funeral Director do **not** need to be licensed as private hire vehicles.

10.9 Wedding Cars

Vehicles used solely for weddings do **not** need to be licensed as private hire vehicles.

10.10 Stretched Limousines

Stretched limousines can be licensed for private hire work providing they carry no more than eight passengers. All applications will be treated on their own merits and be approved for licensing as private hire vehicles subject to any additional conditions deemed appropriate by the Council.

10.11 Executive Hire Vehicles

Executive Hire Vehicles **do** need to be licensed as private hire vehicles.

Drivers of executive hire vehicles will complete the licence application process in the same way as any other licensed driver.

All bookings must be made through a licensed operator. Executive Hire Vehicles are exempt from certain of the licence and signage requirements and need not carry external signage or advertising.

The Council recognises that there is a market for hiring vehicles to customers who would not want that vehicle to be readily identified as a PHV.

Vehicles must be of a standard of comfort and equipped to a level equal or better than luxury brands of vehicles. **The vehicle must be presented to the Council/Testing Station** prior to an exemption certificate being issued.

The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating. There must be no external signage or advertising. **There should be adequate leg room to enable passengers to be able to work during the journey.**

The type of work undertaken must be 'executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.

Supporting documentation of executive work must be produced when the vehicle licence is applied for or at renewal.

Executive Hire Vehicles are exempt from certain internal signage requirements; the no smoking signage may be displayed discreetly.

If the vehicle is to be used for general private hire work from time to time then the mandatory signage must be displayed (e.g. plates, no smoking signage etc.)

10.12 Event Management Companies

Vehicles used by companies which provide transport services for events **do** need to be licensed as private hire vehicles.

10.13 Ambulances

Emergency/specialist ambulance vehicles (usually with specialist equipment and health professionals and often exempt from road tax) do **not** need to be licensed as private hire vehicles.

Formal Patient Transport Service ambulance vehicles (e.g. where bookings are only made if the person to be carried has been assessed by a health professional as having a medical need for transport) do **not** need to be licensed as private hire vehicles.

Other types of ambulance (for example those which do not meet the definition of 'ambulance' in the Vehicle Excise and Registration Act 1994 or operate under the auspices of a formal Patient Transport Service) **do** need to be licensed as private hire vehicles.

If ambulances are used for social hiring they **do** need to be licensed as private hire vehicles.

10.14 Volunteers

Genuine volunteer drivers who give their own time to assist others and are not paid for doing so generally fall outside the private hire licensing regime if there is no commercial benefit from their activities.

10.15 Care and support worker services

The provision of transport services by care and support workers (for example a member of staff in a care home who drives a resident to the shops or to a hospital appointment) generally fall outside the private hire-licensing regime because it is only an ancillary service to wider duties.

10.16 Childminders

In most cases the provision of transport by a childminder (for example, where a childminder uses his or her own car to transport one or more children to and from school) generally fall outside the private hire licensing regime because it is only an ancillary part of the service they provide.

10.17 Courtesy Cars

Most informal courtesy lifts (for example those offered by rental car companies or garages on a 'first come, first served' basis and subject to availability) generally fall outside the private hire-licensing regime provided that the carrying of passengers is only an ancillary part of the service.

10.18 Secure escort and custody services

Vehicles used specifically to transport those sentenced to be remanded to custody between court and prison generally fall outside the private hire-licensing regime.

10.19 Identification Plates on Vehicles

A licensed vehicle must display at all times the plate issued by the Council. (Section 48 LGMPA 1976). (Executive Hire vehicles are exempt).

On revocation, suspension or expiry of the vehicle licence, the plate must be returned to the Council within 7 days (Section 58 LGMPA 1976).

The plate must be displayed showing to the rear. (See vehicle condition13.2)

10.20 Vehicle Insurance

Before a vehicle licence can be issued, a current certificate or cover note for hire car use must be produced (Section 48 LGMPA 1976).

UPON EXPIRY OF A COVER NOTE OR CERTIFICATE OF INSURANCE, A REPLACEMENT MUST BE PRODUCED TO THE COUNCIL IMMEDIATELY.

A certificate or cover note must be produced on demand to an Authorised Officer (Section 50 LGMPA 1976).

10.21 Suspension & Revocation of Vehicle Licences

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

- The vehicle is unfit
- The commission of an offence under the Local Government (Miscellaneous Provisions) Act or the Town Police Clauses Act.
- Any other reasonable cause (Section 68 LGMPA 1976)

A licence may be suspended by an Authorised Officer or Police Constable if he considers the vehicle unfit (Section 68 LGMPA 1976).

10.22 Taxi Meters in Private Hire Vehicles

The Council at this time does not require private hire vehicles to be fitted with a taximeter but, if such a meter is fitted, it must be correctly calibrated, tested and approved (Section 71 LGMPA 1976). The Council must be informed in writing of the various tariffs, which are proposed to be used prior to testing. A notice of tariffs must be displayed in all vehicles fitted with a taximeter.

10.23 Testing of Vehicles

All vehicles must be tested and inspected before a licence can be issued. This is to ensure that they are mechanically fit, safe, comfortable and of good appearance (Section 48 LGMPA 1976).

An authorised officer or Police Constable has power to inspect and test any licensed vehicle at any reasonable time (Section 68 LGMPA).

10.24 Type of Vehicle

- The vehicle must be right hand drive
- The vehicle must have at least four doors and not less than four road wheels.
- If the vehicle is licensed for the carriage of at least five passengers, but no more than eight, then there must be fitted two separate uninterrupted access/exit doors and sufficient space for luggage yet still leaving gangways clear. There must be no more than nine seats fitted which includes the driver's seat.

10.25 Vehicle Licences

Every vehicle used for hire must be licensed by the Council (Section 46 LGMPA 1976).

The Council cannot grant a licence unless it is satisfied that the vehicle is:-

- Suitable in size, type and design for such use
- In a suitable mechanical condition
- Safe and comfortable

- Insured for either private hire or public hire car use (section 48 LGMPA 1976)

10.26 Prolongation of Journeys

A driver must proceed by the shortest route, subject to the instructions of the hirer (Section 69 LGMPA 1976).

For full vehicle specifics in respect of Private Hire Vehicles please refer to Vehicle Licence Conditions at Appendix C.

11. Private Hire Operator Licence

11.1 A Private Hire Operator Licence is required to take bookings and dispatch private hire vehicles to customers.

Licences are issued to an individual(s) and are specific for the address of a licensed private hire office.

Private Hire Operator's Licences can be transferred to an alternative address within the borough, however, there is no provision to transfer the licence to an individual or company. An application must be made for a new licence in these circumstances.

All bookings taken for private hire vehicles must be done through a licensed private hire operator booking office, known as the operating base.

Private Hire Operators can operate from either home addresses or public offices; however, tenants must obtain permission from their landlords.

No licence will be issued until consent has been received from the planning authority that the operation of the business from the premises is acceptable.

NO LICENCES WILL BE ISSUED FOR PREMISES THAT ARE LOCATED OUTSIDE OF THE AMBER VALLEY AREA.

11.2 Operator's Licences

"Operate" means in the course of business to make provision for the invitation or acceptance of bookings for a hire car (Section 80 LGMPA 1976)

Every operator of hire cars must be licensed by the Council (Section 46 LGMPA 1976)

The Council cannot grant a licence unless it is satisfied-

- That the applicant is a "fit and proper person" (Section 55 LGMPA 1976)
- That there is planning permission for such use for the premises to be used

A licence is issued for a period of 5 years.

Please note that the Operator's licence, vehicles used, and drivers employed must all be licensed with the same authority.

11.3 Subcontracting

Section 11 of the Deregulation Act 2015 allows private hire operators to sub contract to each other across licensing boundaries, this allows operators to operate more flexibly. Records must be maintained and kept

for a period of 12 months substantiating these cross-border bookings and produced upon request by an Authorised Officer of the Council or a Police Officer.

The triple licence requirement that private hire operators are licensed within a district and must only use vehicles and drivers licensed by the same authority as their operator's licence remains.

11.4 **How to apply**

The following documentation must be submitted:

- The completed application forms
- Payment of the appropriate fee
- Basic Disclosure and Barring Service Certificate
- **Proof of your right to work in the UK (See page 7, paragraph 5 for further information)**

If you are a licensed driver in Amber Valley it will not be necessary to produce an additional Basic Disclosure Certificate. The Council will consider the Enhanced Disclosure Certificate produced at the renewal of your driver's badge for your Operator's Licence.

All operators must subscribe to the Disclosure and Barring Update Service following the issue of their certificates. The update service gives additional public safety protection as additional checks can be made on licensed operators if the Council deems it necessary and proportionate to do so to ensure public safety.

11.5 **Renewal of a Private Hire Operator Licence**

All Private Hire Operator Licences are issued for a period of 5 years. The renewal application must be submitted to the Licensing Section prior to the expiry of the existing licence or the licence will lapse.

If an operator continues to take bookings without a licence, they are committing an offence. It is the responsibility of the operator to ensure that they always have a valid licence in place.

11.6 **Suspension & Revocation of Operators' Licences**

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

- The commission of an offence under the LGMPA 1976
- Unfit conduct of the operator
- Any material changes in the operator's circumstances
- Any other reasonable cause (Section 62 LGMPA 1976)

11.7 **Convictions**

The operator shall within **48 hours** disclose to the Licensing Section in writing details of any conviction imposed on him or if the operator is a company or partnership, on any of the directors or partners during the period of the licence.

11.8 **Insurance**

The operator shall ensure that every PHV so operated shall be covered by a Certificate of Insurance or covering note indemnifying the proprietor of the said vehicle within the provisions of Part IV of the Road Traffic Act 1972 for the carriage of passengers for hire or reward.

Before a vehicle licence can be issued, a current certificate or cover note for hire car use must be produced (Section 48 LGMPA 1976).

A certificate or cover note must be produced on demand to an authorised officer.

UPON EXPIRY OF A COVER NOTE OR CERTIFICATE OF INSURANCE, A REPLACEMENT MUST BE PRODUCED TO THE COUNCIL IMMEDIATELY.

11.9 Planning Permission & Licence for Radio Equipment

The operator shall not conduct his business from any premises unless he has first obtained, if necessary:

- Planning consent under the Town and Country Planning Act 1990 for the premises from which the business will operate.
- A licence for radio equipment under the Wireless Telegraphy Act 1949 or any other relevant statutory provisions

An operator who is a tenant must also obtain permission from his landlord.

NO LICENCE WILL BE ISSUED UNTIL CONSENT HAS BEEN RECEIVED FROM THE PLANNING AUTHORITY THAT THE OPERATION OF THE BUSINESS FROM THE PREMISES IS ACCEPTABLE.

One vehicle parked at the premises will normally be accepted, however, planning consent must be obtained prior to the issuing of the licence if more than one vehicle is to be used.

11.10 Display of Terms & Conditions

The operator shall at all times keep on his premises a copy of these conditions and shall make them available for inspection by members of the public who are either actual or potential fare paying passengers.

IT IS A DUTY, AS A HOLDER OF AN OPERATOR'S LICENCE, TO OBSERVE FULLY ALL THE TERMS AND CONDITIONS RELATING TO OPERATORS. ANY BREACH COULD RESULT IN THE SUSPENSION OR REVOCATION OF THE LICENCE AND/OR PROSECUTION IN THE MAGISTRATES' COURT.

12. Compliance and Enforcement

12.1 Enforcement

To encourage responsible hackney carriage/private hire businesses, the Council will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without due interference the Council will only intervene where it is necessary and proportionate to do so.

The Council will liaise with other bodies in carrying out its enforcement procedures, including officers from other local authorities, the Police, HM Customs and Excise, DVLA and the Children's and Adult Safeguarding Teams

The Council will respond to complaints made by the public and referrals from other agencies and bodies.

From time to time Taxis and PHV's may be subject to a spot check. The spot check will always be carried out by one of the Council's Enforcement Officers, the Police or by one of the Council's authorised testers, in the presence of the Enforcement Officer. Spot checks are normally carried out at the roadside. If a vehicle does not pass the spot check, then the vehicle may be suspended and the plate may be removed.

12.2 Disciplinary Hearings

Licence holders may be referred to attend a Licensing Panel (comprising of members of the Licensing Board) for committing offences, failure to comply with any part of this policy, or for any other such conduct which impacts on their fitness to be a licence holder. The Panel will consider the impact of the offending/conduct on the individual's fitness to hold a licence and take such action as is appropriate in the circumstances.

The following actions are available:

Warnings

These may be issued for minor infringements. A warning letter will remain on file for a period of three years and will be referred to in the event that the licence holder is taken before the Licensing Panel for any other reason.

Suspensions

Vehicles can be suspended in accordance with Section 68 LGMPA 1976 if an officer is not satisfied as to the fitness of a vehicle.

Drivers can be suspended under Section 61 LGMPA 1976. This suspension can be ordered to take immediate effect in certain circumstances.

Revocations

Both vehicle and drivers licences may be revoked by the Licensing Panel.

If the seriousness of the case merits revocation, this course of action will be available to the Licensing Panel even if it is the first enforcement action taken against the driver or vehicle.

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DRAFT

APPENDIX A – DRIVERS’ LICENCE CONDITIONS

1. Definitions

In these conditions:

- 1.1 ‘The Council’ means Amber Valley Borough Council and ‘Borough’ means the district of the Council;
- 1.2 ‘Private Hire Vehicle’ means a Private Hire Vehicle licensed by the Council under the 1976 Act;
- 1.3 ‘Taxi’ means a Hackney Carriage licensed by the Council under the 1847 Act;
- 1.4 ‘Driver’ means a driver licensed by the Council under the 1847 Act and the 1976 Act and ‘Badge’ means the badge owned and issued by the Council for the purposes of identifying the Driver as such;
- 1.5 ‘Authorised Officer’ means any Officer of the Council authorised in writing by the Council for the purpose of these conditions.
- 1.6 ‘Plate’ and ‘Disc’ mean the plate and disc owned and issued by the Council for the purposes of identifying a Vehicle as a Taxi or Private Hire Vehicle as appropriate.
- 1.7 ‘Vehicle’ means a licensed Taxi or Private Hire Vehicle.
- 1.8 ‘Licence’ means a Taxi and Private Hire Vehicle Drivers Licence issued by the Council under the 1847 Act and the 1976 Act.
- 1.9 ‘Child’ means a person under 18 years of age and ‘Children’ means more than one such person.
- 1.10 ‘1847 Act’ means the Town Police Clauses Act 1847
- 1.11 ‘1976 Act’ means the Local Government (Miscellaneous Provisions) Act 1976

2. General

- 2.1 The Driver’s Licence issued by the Council shall cover the driving of both Taxis and Private Hire Vehicles.
- 2.2 It is an offence (without reasonable cause) to refuse to carry any passenger.
- 2.3 The Driver shall, always when driving a Vehicle, wear in a conspicuous position, the Driver’s Badge issued to him by the Council. (The badge need not be worn when the vehicle is being used in connection with a wedding or funeral).
- 2.4 The Driver shall ensure that the Plate granted in respect of that Vehicle and showing that Vehicle’s registration number is clearly displayed as prescribed to the rear of the Vehicle.
- 2.5 The Driver shall not tamper with or permit or cause any person to tamper with any taximeter with which the Vehicle is provided, with the fittings thereof or with the seals.
- 2.6 The Driver shall not assign or in any way part with the benefit of the Licence. It is personal to the licensee.
- 2.7 Where a pre-booked journey is undertaken, the Driver shall attend at the appointed time and place punctually, unless delayed or prevented by some sufficient cause.

- 2.8 If the Driver attaches him/herself or any Vehicle to an Operator, he/she will give a copy of his/her Driver's Licence and a copy of any Vehicle Licence in his control to the Operator.
- 2.9 The Driver shall, upon the request of the passenger, issue a written receipt for the fare paid for the journey.
- 2.10 The Driver when in another Council's area, on being approached by any authorised officer of that Council shall answer any reasonable questions and produce documents in relation to the driver and the Vehicle as requested.
- 2.11 The Driver shall comply with the reasonable directions of an Authorised Officer.
- 2.12 The Driver shall comply with all the provisions of the 1847 Act and Part II of the 1976 Act, (as appropriate) and all other statutes, byelaws, regulations and conditions for the time being in force in the district in respect of taxis and private hire Vehicles.
- 2.13 The Driver shall not wilfully or negligently cause or permit the Plate Disc or Badge to be concealed from public view.

3 Driving Conditions

- 3.1 The Driver shall, when hired to drive to any destination, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 3.2 The Driver shall not convey in the Vehicle any greater number of persons, (exclusive of the Driver), specified on the Licence and on the Plate attached to the outside of the Vehicle irrespective of whether any of those persons are Children (of any age).
- 3.3 The carrying of passengers' pets shall be at the Driver's discretion. This discretion does not apply to guide dogs for the blind, hearing dogs and certain other assistance dogs – "Dogs for the Disabled", "Support Dogs" and "Canine Partners for Independence" which shall be carried free of charge. No other animal shall be carried in the Vehicle other than one in the custody of a passenger.
- 3.4 The Driver shall not allow more than one passenger to be conveyed in the front of the vehicle unless additional seats are available (e.g. a minibus).
- 3.5 No child shall be conveyed in the front of the Vehicle unless properly restrained.
- 3.6 A licensed taxi driver who is 'plying for hire' or carrying passengers is exempt from wearing a seatbelt but otherwise the chart below shows current requirements. For further guidance see Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006:

Person in Car	Front Seat	Rear Seat	Responsibility
Driver	Seat belt must be worn if fitted	Not applicable	Driver
Child under 3 years	Correct child restraint must be used	The correct child seat must be used. If one is not available in a taxi or PHV a child may travel unrestrained.	Driver
Child aged 3 to 11 and under 135 cm in height	Correct child restraint must be used	The correct child restraint must be used where seat belts fitted.	Driver

(approximately 4.5 feet)		If a child seat is not available, a child may travel using just the seatbelt in the following situations: 1. In a licensed taxi or private hire vehicle 2. For a short distance if the journey is unexpected and necessary. 3. There is not room to fit a third child seat.	
Child 12 or 13, or younger child 135 cm or more in height	Adult seat belt must be worn if fitted	Adult seat belt must be worn if fitted	Driver
Passengers aged 14 years and over	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

3.7 The Driver must not permit any seat belt to be worn by more than one passenger and must not place any passenger in danger regarding the use of seat belts or child restraints.

3.8 Pushchairs should be folded and stored securely in the luggage area of the vehicle or the boot.

3.9 The Driver shall not attach a trailer, tow ball and roof rack (other than a roof bar fitted as standard by the manufacturer) to a Taxi or a Private Hire Vehicle without the prior written consent of the Council.

3.10 No trailer shall be permitted to be attached to a Taxi while the Taxi is on a hackney carriage stand.

3.11 The Driver must ensure that the use of any trailer is in accordance with DVLA driving licence approval for the vehicle and trailer types, and any legislation relevant to the towing of trailers.

3.12 The Driver shall not, without the consent of the hirer of the Vehicle, convey or permit to be conveyed any other person.

4 Conduct

4.1 The Driver shall take all reasonable precautions to ensure the safety of the persons conveyed in, or entering or alighting from the Vehicle,

4.2 The Driver shall at all times behave in a civil and orderly manner, maintain a good standard of personal hygiene and be respectably dressed in accordance with any dress code issued by the Council. The following are deemed to be unacceptable attire:

- Clothing that is not kept in a clean condition, free from holes and rips
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- Sportswear (e.g. football/rugby kits, tracksuits, 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
- Untailored shorts

- 4.3 The driver shall provide proper and reasonable assistance to passengers.
- 4.4 The Driver shall, when requested by the hirer, convey a reasonable quantity of luggage, and afford reasonable assistance with the loading and unloading and removal thereof to the entrance of any house or place at which he/she may pick up or set down the hirer, without any additional charge.
- 4.5 The Driver shall not consume alcohol, take drugs or smoke tobacco **products or e-cigarettes** in the vehicle at any time.
- 4.6 The Driver shall not, without the express consent of the hirer, play any radio or any sound reproducing equipment in the Vehicle other than for the purpose of sending or receiving messages in connection with the operation of the Vehicle.
- 4.7 The Driver shall at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the Vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the Vehicle.
- 4.8 The Driver shall, immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein, if any such property, is found **it will be retained by the operator/driver for a period of 6 weeks prior to disposal.**

5 Notices

- 5.1 The Driver shall give notice to the Licensing Section in writing, within 7 working days, of any change of address.
- 5.2 The Driver shall, within 48 hours, disclose in writing to the Licensing Section details of any of the below categories (for any offence not just motoring offences) incurred by him/her during the period of the licence:
- Convictions
 - Cautions
 - Fixed Penalty Notices
 - **Driver Awareness Courses**
 - Endorsements pursuant to Part III of the Road Traffic Offenders Act 1988
 - Any pending matters, **(i.e. investigations, arrest and release, charged with any offences etc.)**

Failure by the licence holder to disclose an arrest that this authority is subsequently advised of, would be a breach of a licence condition and might therefore be seen as behaviour that questions honesty and therefore the suitability of the licence holder, regardless of the outcome of the initial allegation.

- 5.3 The Driver shall disclose to the Licensing Section within 7 days in writing details of any serious illness or injury (for example, heart attack, stroke, broken limbs, etc) sustained and may be required to undergo an additional medical examination or produce written confirmation from his own medical practitioner or hospital consultant as to his continued fitness to drive a Licensed Vehicle.
- 5.4 The Driver shall inform the Licensing Section in writing within 7 days of any accident in which he/she and his/her licensed Vehicle have been involved and in which either personal injury or damage to the Vehicle has occurred (irrespective of how the personal injury or damage was caused).

- 5.5 The Driver shall inform the Council in writing within 7 working days of any change of Operator he/she is attached to or ceases to be attached to.
- 5.6 All notices required to be served on the Council under conditions 5.1 to 5.5 shall be addressed to The Licensing Section, Amber Valley Borough Council, Town Hall, Market Place, Ripley, Derbyshire DE5 3BT or via email to licensing@ambervalley.gov.uk
- 5.7 The driver/operator must be fully aware of the contents of all goods if hired to transport packages from one destination or another in the absence of a passenger.

6 Private Hire Vehicles

No Driver of a Private Hire Vehicle shall:

- 6.1 Ply for hire or offer the Vehicle for immediate use
- 6.2 Accept an offer for the immediate hire of a Private Hire Vehicle except where such offer is transmitted to the driver via a PDA device (personal digital assistant) (e.g. telephone or radio) without the driver in any way procuring the offer;
- 6.3 Permit it to wait on a rank appointed for Taxis nor accept an offer for immediate hire while the Vehicle is on the road or other public place; or
- 6.4 Tout or solicit on a road or other public place any person to hire or be carried in the Vehicle; or
- 6.5 Permit, cause or procure any person to tout or solicit on a road or other place any person to hire or be carried in the Vehicle

7 Taxis

- 7.1 No Driver of a Taxi shall ply for hire outside the Council's area.
- 7.2 The Driver of a Taxi, when using a rank provided by the Council, shall station the Taxi immediately behind the Taxi or Taxis in the rank so as to face the same direction and from time to time, when any other Taxi immediately in front is driven off or moved forward, cause his Taxi to be moved forward, so as to fill the place previously occupied by the Taxi driven off or moved forward. If a rank, at the time of the Driver's arrival, is occupied by the full number of carriages authorised to occupy it, the driver should proceed to another rank.
- 7.3 Taxi that is mechanically unable to proceed shall be removed from a rank as soon as is practically possible.
- 7.4 The Driver of a Taxi, when standing or plying for hire, shall not, leave his vehicle or by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for that purpose.
- 7.5 The Driver of a Taxi provided with a taximeter shall:-
- 7.6 When standing or plying for hire, keep the key, flag or other device fitted in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- 7.7 As soon as the Taxi is hired by distance, and before beginning the journey, 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;

- 7.8 Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1988, and at any other time at the request of the hirer.
- 7.9 A Driver of a Taxi 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.
- 7.10 The Driver of a Taxi shall be entitled to demand and take for the hire of the Vehicle the rate or fare prescribed by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.
- 7.11 Provided always that where a Taxi furnished with a taximeter shall be hired by distance, the Driver thereof shall not be entitled to demand or 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.
- 7.12 A list of the current Hackney Carriage Fares must be displayed in the vehicle at all times.
- 7.13 The Driver of a Taxi bearing a statement of fares 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 Taxi is plying or being used for hire.

8 Amendment of Conditions

The above conditions may be revised or amended at any time by the Council whereupon a copy of the conditions as revised or amended will be supplied to the operator.

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APPENDIX B – CODE OF CONDUCT FOR LICENSED DRIVERS

To promote the Council's licensing objectives relating to Hackney Carriage and Private Hire Licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

1. Responsibility of the Trade

Licence holders shall promote the image of the Hackney Carriage and Private Hire Trade by:

- a) Complying with this Code of Good Conduct
- b) Complying with all the Conditions of their Licence and the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy; and
- c) Behaving in a civil, orderly and responsible manner at all times.

2. Responsibility to Customers

Licence holders shall:

- a) Maintain their vehicles in a safe and satisfactory condition at all times;
- b) Keep their vehicles clean and suitable for hire to the public at all times;
- c) Attend punctually when undertaking pre-booked hiring unless delayed by unavoidable circumstances. The driver/operator should attempt to contact the hirer to inform them of a late arrival.
- d) Assist when requested, or where necessary passengers into and out of vehicles; and
- e) Offer passengers reasonable assistance with luggage.

In the event of a passenger who requires to be carried in a wheelchair presenting themselves at a taxi rank, or hailing a hackney carriage on the street and the hackney carriage which the passenger has presented themselves to or hailed is not wheelchair accessible the driver is expected to divert the passenger to a wheelchair accessible vehicle on the rank if one is available or contact their own base if there is the facility to do so.

3. Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:-

- a) Not sound the vehicle's horn illegally including to get the hirer's attention;
- b) Not get the hirer's attention by shouting;
- c) The driver shall not, without the express consent of the hirer, play any radio or any sound reproducing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- d) Switch off the engine if required to wait;

- e) Shall not leave litter behind
- f) Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At taxi ranks and other places where Hackney Carriages ply for hire by forming queues, drivers shall, in addition to the requirements above: -

- i) Rank in an orderly manner and proceed along the rank in order and promptly;
- ii) Remain in the vehicle;

At Private Hire Operator's premises, a licence holder shall: -

- iii) the driver shall at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- iv) Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood that might arise from the conduct of their business.

4. General

Drivers shall:

- a) Pay attention to personal hygiene and dress so as to present a professional image to the public and will not wear something that is likely to cause offence;
- b) Not have any signage or material in or on the vehicle that is likely to cause offence;
- c) Be polite, helpful and fair to passengers;
- d) Drive with care and due consideration for other road users and pedestrians and shall not use a hand-held mobile telephone or other hand held interactive communications device whilst driving;
- e) Obey all road traffic laws and the Highway Code;
- f) Not smoke in the vehicle at any time
- g) **Not use e-cigarettes or similar products within a licensed vehicle**
- h) Not consume alcohol immediately before or at any time whilst driving or being in charge of a Hackney Carriage or Private Hire Vehicle;
- i) Not drive while having use of illegal drugs or misused legal drugs;
- j) Fulfill their responsibility to ensure compliance with legislation regarding the length of working hours.

PLEASE NOTE: ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT. THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE HAD ANY ALCOHOL OR HAVING MISUSED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE.

APPENDIX C – VEHICLE LICENCE CONDITIONS

1. VEHICLE LICENCE CONDITIONS

Definitions

In these conditions:

- 1.1 'The Council' means Amber Valley Borough Council and 'Borough' means the district of the Council;
- 1.2 'Taxi' means a hackney carriage licensed by the Council under the 1847 Act;
- 1.3 'Authorised Officer' means any Officer of the Council authorised in writing by the Council for the purpose of these conditions;
- 1.4 'Plate' and 'Disc' mean the plate and disc issued by the Council for the purposes of identifying a vehicle as a Taxi or Private Hire Vehicle;
- 1.5 'Proprietor' means the person or persons or body named in the licence as the proprietor of the taxi and includes part proprietors and in relation to a vehicle subject to hiring agreement or hire purchase agreement means the person in possession of the vehicle under that agreement;
- 1.6 'Vehicle' means a licensed Taxi or Private Hire Vehicle.
- 1.7 'Licence' means a Taxi Vehicle Licence or Private Hire Vehicle Licence issued by the Council under the 1847 Act and/or the 1976 Act and 'Licence Holder' means the person to whom the Licence was issued.
- 1.8 'Driver' means a driver licensed by the Council under the 1847 Act and the 1976 Act and 'Badge' means the badge owned and issued by the Council for the purposes of identifying the Driver as such.
- 1.9 'Child' means a person under 18 years of age and 'Children' means more than one such person.
- 3.1 'Adult' means a person aged 18 years or over
- 3.2 '1847 Act' means the Town Police Clauses Act 1847
- 1.13 '1976 Act' means the Local government (Miscellaneous Provisions) Act 1976

2. Vehicle Specification & Equipment

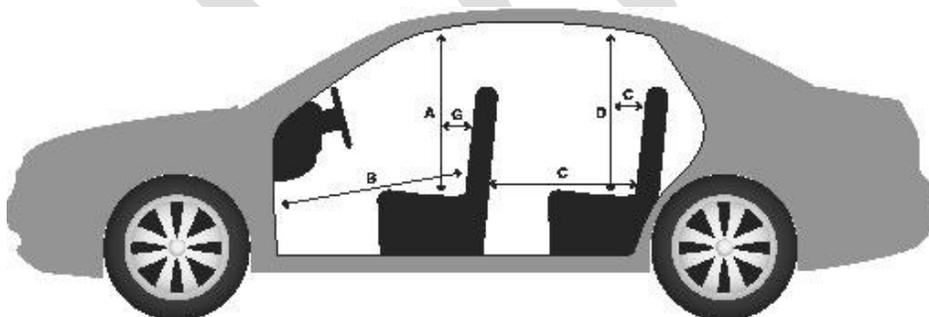
- 2.1 Each Licensed Vehicle shall be equipped to the following specifications (which for the avoidance of doubt are to apply to the Licensed Vehicle at all times without modification and equipment so specified shall not be removed or disconnected from the Licensed Vehicle. Each Licensed Vehicle shall:
 - 2.2 have an engine of at least 74HP (75Ps or 55Kw) for petrol engines and 59HP (60Ps or 44Kw) for Diesel engines.
 - 2.3 Approximate conversions mean that a 1250cc petrol engine or a 1400cc turbo diesel will be sufficient for the above calculations. The power output in kilowatts can be found on the Vehicle Registration Document and manufacturer's handbook. This would be used as the definitive figure.
 - 2.4 Electric and hybrid vehicles are acceptable, but they must meet all other specified vehicle conditions.
 - 2.5 All new vehicles must comply with either Euro 5 or Euro 6 emission regulations

- 2.6 have at least two doors to the rear of the Driver for the exclusive use of passengers;
- 2.7 be of right hand drive, and of sufficient size to carry four adult passengers;
- 2.8 The arrangements for storing luggage must not obstruct the use of any exit from the vehicle or be likely to cause injury to a passenger whilst the vehicle is in motion.
- 2.9 Seat Belts shall be fitted to all licensed vehicles; and shall be readily accessible for use by the licensed driver and all passengers and shall always be maintained in a good condition and usable state of repair.
- 2.10 If the tyre is damaged and a space saver or tyre repair kit is used no passenger can be carried within the vehicle until a full repair or replacement has been undertaken.

The manufacturers original design (or equivalent) of equipment for dealing with punctured tyres must be kept in the vehicle and maintained in a useable condition.

- 2.11 be equipped with fully functional nearside and offside exterior rear-view mirrors;
- 2.12 have all windows opening in accordance with the original vehicle specification
- 2.13 have the following minimum internal dimensions;

- A** minimum of 915mm (36") - cushion not compressed
- B** minimum of 940mm (37") - seat fully backward in its most upright position
- C** minimum of 610mm (24") - front seat fully backwards in its most upright position
- D** minimum of 865 mm (34") - cushion not compressed
- F1** minimum of 1345 mm (53") - Rear interior width measuring in line with the top face of the seat cushions, but excluding any armrests and at a point on the body sides 50mm (2") below the bottom edge of the side window aperture
- F2** minimum of 1245mm (49") - rear interior width measured between any armrests
- G** minimum of 255mm (10") - Point of measurement parallel with the squab



- 2.14. A vehicle with one or more dimensions not complying with those set out in condition 2.12 may, nevertheless, be approved by the Council, in its absolute discretion, if it considers that in all the circumstances that the vehicle is otherwise suitable for use as a Taxi or a Private Hire Vehicle

2.15 Tyres

Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout a continuous band in the centre $\frac{3}{4}$ of the tread and around the entire circumference of the tyre.

All tyres must remain the same dimension to ensure the rolling radius does not affect metered readings.

2.16 Wheelbase

The wheelbase shall be 2590 mm (102") for Vehicles licensed as Taxis and for Private Hire Vehicles. The Council may permit a smaller wheelbase upon written application if it considers the vehicle otherwise suitable-

3. Write Off Vehicles

Only vehicles which are written off as a Category N will be accepted onto the fleet provided the following conditions are met:

- A VIC (Vehicle Identity Check) is produced
- A full list of all the necessary repairs carried out on the vehicle is produced to the testing centre
- All repairs are carried out by a bone fide test centre and all appropriate documentation to be produced
- Vehicle to be presented to the test centre (together with a copy of the above documentation) for a full test to be carried out on the vehicle. The fee to be paid directly to the testing station by the driver
- If possible, a photograph of the vehicle before any repair work has been carried out
- The testing station will furnish the Council with a report stating that all works have been carried out to their satisfaction.
- No vehicle will be accepted onto the fleet that has been written off on more than one occasion.

4. Fuel

Taxis and Private Hire Vehicles shall run on diesel; lead-free petrol; or liquid petroleum gas(LPG).

- 4.1 Vehicles with Dual Fuel or LPG systems must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application. For vehicles that have a LPG system fitted during the currency of a licence, the proprietor must inform the Licensing Section in writing and produce the certification within 7 days.
- 4.2 All Licensed Vehicles running on LPG shall be required to have an annual safety check with a reputable organisation and no Licence will be renewed until a valid certificate confirming that a safety check has taken place and that the Vehicle is safe is produced to the Council.

4.3 Electric and hybrid vehicles are acceptable provided all other specified vehicle criteria is met.

5. Colour of Taxis and Private Hire Vehicles

Hackney Carriages

- 5.1 Saloon or estate cars licensed as hackney carriages shall be painted red, black or blue in colour except for the bonnet and boot/tailgate which shall be white. The colour shall be of shade or hue to be agreed with an Authorised Officer and to be sufficiently dark to contrast with any white bonnet or boot on the vehicle.
- 5.2 The requirement for a white bonnet and boot/tailgate shall not apply to purpose-built wheelchair accessible vehicles.
- 5.3 Purpose-built wheelchair accessible vehicles and vehicles which have been converted to provide wheelchair access will be required to be a uniform livery colour of red, black or blue.
- 5.4 Vehicles used as substitute hackney carriages for reasons of disrepair and/or accident need not comply with the standard livery above provided that the proprietor has obtained a temporary licence for the vehicle.

Private Hire Vehicles

- 5.5 Private Hire Vehicles shall be painted ONE COLOUR ONLY.

6. Alterations

- 6.1 No alterations to any equipment, dimensions or other specifications set out in this policy shall be undertaken without the prior consent of an Authorised Officer.
- 6.2 For the avoidance of doubt 'alterations' includes both additions to and the removal of any existing equipment in, or on, Licensed Vehicles.

7. Trailers, Tow balls & Roof Racks

- 7.1 No trailer, tow ball or roof rack (other than a roof bar fitted as standard by the manufacturer) shall be attached to a Taxi or a Private Hire Vehicle without the prior written consent of the Council.
- 7.2 Where permitted by the Council:
- 7.3 Tow Bars: Tow bars of approved BS type and all fixtures and fittings must be sound and secure. If a tow bar is fitted, it will be subject to MOT test along with electrical components.
- 7.4 Trailers: The vehicle registration number plate and Private Hire/Hackney plate must be attached to the rear of the trailer when in use.

The trailer must have been examined in accordance with conditions 14.1 and 14.2 and considered to be satisfactory by the Council.

8. First Aid Equipment

There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliances for immediate use in an emergency. This kit should be of Passenger Carrying Vehicle (PCV) standard or similar.

8.1 PCV Kit

Assorted Wash proof plasters	24
Disposable non-sterile triangular bandage	2
First in an Emergency Booklet (optional)	1
Moist wipes	10
No 16 Eye Pad	2
Conforming bandage 7.5 cm x 4.5 cm	1
No2 ambulance dressing	3
Safety Pins	12
SJS Nitrile powder free gloves (pair)	1
Tuff-Kut scissors	1

A sign will be displayed showing the whereabouts of the first aid kit (**except for Executive Hire Vehicles**). and the kit must be kept up to date. Any equipment used, should be replaced within 48 hours.

9. Fire Extinguisher

9.1 The driver shall ensure that the vehicle is fitted with a fire extinguisher and that the extinguisher is fitted in such a position that it may be readily available for use and that the label affixed to the fire extinguisher is not tampered with. Such an extinguisher must be hand held and be at least 1.0 kg in weight or 1.0 litre in volume and comply with British/European Standard EN3 and comply with the requirements relating to fire extinguishers for use in public service vehicles. The fire extinguisher may be secured in the boot area provided a sign is displayed prominently and legibly inside the vehicle.

The registration/plate number of the vehicle must be clearly displayed with permanent marker on the extinguisher.

10. Tinted Windows

Any window tint must comply with the relevant UK legislation.

11. Age and Accessibility Requirements

11.1 A Licence will only be granted in respect of a Taxi if the Taxi satisfies both the age requirements set out in conditions 11.3 and 11.4 and the accessibility requirements set out in conditions 11.5 to 11.9.

11.2 For the purposes of this condition 11.3 the age of the Vehicle shall be determined by reference to the original date of registration as specified in the vehicle registration document.

Age requirements

11.3 No vehicle which has reached the age of 5 years and which is not already licensed by the Council at the time an application is made will be granted a Licence. **The Council will accept wheelchair accessible vehicles up to the age of 6 years provided the mileage is less than 50,000.**

- 11.4 No vehicle which has reached the age of 10 years will be granted a Licence or have its Licence renewed unless the vehicle is in an exceptionally good condition and is, in the opinion of the Council, suitable in all the circumstances for use as a Taxi or Private Hire Vehicle. **The criteria that vehicles must meet to be considered as in “exceptionally good condition” together with the guidance of the process to be followed can be found at Appendix D.**

Accessibility requirements

- 11.5 Subject to condition 11.6 a Licence will only be granted in respect of a Taxi if, in the opinion of the Council, the Taxi is sufficiently accessible for disabled persons. (Refer to Paragraph 11).
- 11.6 Condition 11.5 shall not apply to a Taxi licensed with the Council on or before 30 June 2004 (or to any vehicle which replaces such a Taxi) which is not accessible for disabled persons. **Please note, vehicles registered prior to 30 June 2004 can only be replaced with the same type of vehicle (e.g. 4-seater saloon for another 4-seater saloon, 6-seater vehicle with another 6-seater vehicle etc etc.)**
- To retain the above “grandfather rights” a vehicle must be replaced within 3 months of its expiry date. Failure to do so will result in the Taxi saloon vehicle plate being withdrawn from the fleet.**
- 11.7 Licensed Vehicles which are accessible for disabled persons shall only be replaced by a vehicle which complies with condition 11.5.
- 11.8 For the purposes of paragraph 11 a vehicle will be deemed to be sufficiently accessible for disabled persons if it is a purpose-built wheelchair accessible vehicle.
- 11.9 All wheelchair accessible vehicles must carry suitable restraints, ramps **and lifting equipment to enable a wheelchair to be ALWAYS lifted into the vehicle when the vehicle is being used as a Hackney Carriage. The registration and plate number of the vehicle must be clearly marked with permanent marker on all the ramps/lifting equipment.**

Adequate means shall be provided to secure the equipment in position when loading/unloading a wheelchair or wheelchair user. Suitable provision must be made to securely stow ramps once the vehicle is in motion.

Suitable restraining devices must be provided to enable a wheelchair user to be safely and securely transported and to comply with legal standards.

Explanatory Note to Condition 11.

Age requirements

The purpose of condition 11.4 is to ensure that no licensed vehicles are still operating as taxis or private hire vehicles when they are 11 years old unless the vehicle is in an exceptionally good condition.

Definition of “exceptionally good condition” is defined at Appendix D.

12. Condition of Vehicle

Each Vehicle shall always:

- 12.1 be maintained in a sound mechanical and structural condition

- 12.2 be clean, tidy (litter free) and presentable both inside and out **at all times**.
- 12.3 have seats properly cushioned, with no tears or worn covers and no signs of excessive wear
- 12.4 have suitable covering on the floor
- 12.5 have the fittings and furniture well maintained in a clean condition and be undamaged
- 12.6 be in every way fit for public service and for the safe carriage of passengers **at all times**
- 12.7 be capable at any time of satisfying a vehicle inspection by the Council.
- 12.8 Windows must be provided at the rear and sides along with a means of opening and closing not less than one window on either side.
- 12.9 Rear passenger windows must be capable of being opened by passengers when seated—unless air conditioning is available.
- 12.10 Any damage to a vehicle, which materially affects the safety, performance or appearance of the vehicle, must be reported to the Council and, until the damage is repaired to the satisfaction of an Authorised Officer, the Vehicle must not be used for hire. **Repairs must be carried out by a VAT registered garage with all details documented.**

13. Licence Plates & Discs

The Licence Holder shall not cause or allow the Vehicle to be used unless:-

- 13.1 The number of the Licence and the registration number of the Vehicle shall be fixed and displayed on the Vehicle at all times during which the Vehicle is being used as a Taxi or Private Hire Vehicle. The number of the Licence and the registration number are to be displayed by means of the Disc and the Plate issued by the Council.
- 13.2 The Plate shall be fixed and displayed on the outside rear of the Vehicle or adjacent to the bumper in such a position that the Vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the Plate is clearly visible by daylight from the road at the rear of the Vehicle. **Plates are not permitted to be displayed in the rear window unless it is clearly visible on a vertical window.**
- 13.3 The Disc shall be fixed and displayed inside the Vehicle windscreen in such a manner and place that the particulars thereon are clearly visible to persons outside the Vehicle.
- 13.4 The Disc and Plate referred to in Condition 13 shall remain the property of the Council and shall be returned forthwith to the Licensing Manager, Amber Valley Borough Council, Town Hall, Ripley, Derbyshire within seven days of the Licence Holder no longer holding a Licence which is in force in respect of the Vehicle (whether by reason of expiry or revocation).
- 13.5 The loss of, damage (including deterioration by undue wear and tear) to or illegibility (for whatever reason) of a Plate or a Disc shall be reported to the Council as soon as the loss, damage or illegibility becomes known and a duplicate will be issued at the expense of the Licence Holder. The Vehicle shall not be used for hiring until the Plate or Disc has been replaced **or a temporary plate has been obtained from the Council's approved testing station.**

14. Vehicle Inspections

- 14.1 An Authorised Officer or any Police Constable shall have the power at all reasonable times to inspect and test any Vehicle licensed by the Council for the purpose of ascertaining its fitness.

- 14.2 If the Authorised Officer or the Police Constable is not satisfied with the fitness of the licensed Vehicle, the Licence Holder shall, after being notified in writing, present the Vehicle at the time and place to be specified by an Authorised Officer for an examination and shall be required to pay such fees for the examination as the Council may, from time to time determine.
- 14.3 If the Authorised Officer or Police Constable is not satisfied as to the condition of the Vehicle upon completion of the inspection required by Condition 14.1 or 14.2 as the case may be, he or she may immediately suspend the Vehicle Licence and the Licence Holder shall forthwith upon being required to do so by the Authorised Officer or Police Constable, cause the Plate and Disc to be removed from the Vehicle and handed to the Authorised officer or Police Constable who shall keep it in his custody until such time as he is satisfied as to the condition of the Vehicle, whereupon the Plate and Disc will be returned to the Proprietor.
- 14.4 An Authorised Officer, on inspecting a Vehicle in the course of his or her duty and requiring it to be examined for the purposes of ascertaining its fitness, may suspend the use of such vehicle (and remove the Disc and Plate) until the examination has been carried out.
- 14.5 The powers of suspension and removal in Condition 14.4 above shall also apply in the event that the Vehicle inspected is unclean.
- 14.6 Without prejudice to the provisions of Conditions 14.1 to 14.5 inclusive, the Vehicle shall be subject to the following mechanical examinations each of which will be conducted by the Council or its authorised representatives:
- 14.6.1 a vehicle examination prior to the issue of a Vehicle Licence
- 14.6.2 a vehicle examination every 6 months
- 14.6.3 All vehicles (regardless of age) require a MOT test prior to the issue of a Vehicle Licence.
- 14.6.4 The cost of the vehicle examinations is reflected in the licence fee. If the Vehicle fails a vehicle examination, then the Licence Holder shall be required to pay such sums as the Council may determine from time to time for any retest of the Vehicle.

15. Documentation to be Maintained by Vehicle Licence Holders

At all times during the currency of the Licence, the Licence Holder shall ensure that the following are maintained, up to date and, where necessary, valid, in force and available for inspection by an Authorised Officer;

- 15.1 A policy and certificate of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- 15.2 Confirmation that the Vehicle Excise Licence has been paid.
- 15.3 A Ministry of Transport (MOT) certificate if relevant.
- 15.4 Maintenance records (to ensure compliance with manufacturers' schedules **and service intervals**) are to be kept for all Taxis and Private Hire Vehicles. **Records must be kept and produced within 14 days if requested by an authorised officer of the Council.**
- 15.5 The vehicle registration document.
- 15.6 A list of the names and addresses of all persons employed, or otherwise used, by him or her for the purposes of driving the Vehicle.

- 15.7 On being so required by an Authorised Officer the Licence Holder shall produce to that officer for examination the certificate of insurance required by Condition 15.1 provided that if the Licence Holder fails to produce such certificate to that officer on request, he or she shall within seven days of such request, produce it to that officer or **to the licensing section** at the Town Hall, Market Place, Ripley, Derbyshire.
- 15.8 The Licence Holder shall, in any event, produce a Certificate of Insurance to an Authorised Officer upon expiry of a previous certificate of Insurance or cover note within 7 days of the expiry of the current certificate.
- 15.9 The Licence Holder shall notify the Licensing Section of any change of insurer or any change to the insurance particulars and shall provide full details thereof within 2 working days of such change
- 15.10 If the required documentation is not kept or produced in accordance with this Condition 15 then the Licence for the Vehicle will be suspended.

16. Advertising & Markings on Vehicles

No signs can be affixed to a vehicle other than those approved by the Council.

- 16.1 Advertising or other marking is restricted to the name, address, email address, logo and telephone number of the taxi or private hire company or firm or such other design as shall be approved in writing by the Licensing Manager.
- 16.2 The words 'Taxi', 'Hackney Carriage', 'for Hire' or 'Cab' are not permitted to be displayed anywhere on a Private Hire Vehicle.
- 16.3 All lettering and numbering displayed on a Vehicle must comply with the Council's requirements as to maximum height, width and design unless the Council's agreement is obtained. Lettering to be no larger than 12 cm and adverts to be no larger than 90cm x 60cm.
- 16.4 Advertising and marking is only permitted:
- 16.5 On the side door panels
- 16.6 On an upright part of the boot or rear panel positioned so as not to obscure the rear registration number plate or the Vehicle Licence Plate.
- 16.7 In the rear window (for the purpose only of displaying a notice stating that payment by credit or debit cards is accepted)
- 16.8 For the avoidance of doubt advertising or other marking is not permitted: -
- 16.9 On any window (except in accordance with condition 16.7 or for minibuses as specified in condition 22.3)
- 16.10 On the front bonnet (which in the case of Taxis must be painted white in accordance with Condition 5) or on the front of the Vehicle.
- 16.11 On the roof except by way of a roof light in accordance with Condition 17.
- 16.12 On the rear boot (which in the case of Taxis must be painted white in accordance with Condition 5 except in accordance with Condition 5.2.
- 16.13 On any bumpers

16.14 On the side of the vehicle except for the door panels in accordance with Condition 16.6.

17. Roof Signs

Taxis

17.1 All Taxis shall carry on the roof a sign bearing the word “taxi” to the front of the vehicle and:

17.2 may bear to the rear only the name of the taxi firm and its telephone number. The sign required by this Condition shall be capable of being illuminated internally in such manner that the above words are illuminated at all times when the Vehicle is plying for hire but not otherwise and such sign shall be fixed in such manner and position and be of such size as shall be approved by the Council.

17.3 The Licence Holder and Driver of the Taxi shall maintain such sign in efficient working order at all times. The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the Vehicle is for hire.

17.4 The rear facing illuminated section of the sign shall show a red light when switched on and the front shall show a white light. The sign shall be illuminated at all times when the vehicle is legally plying for hire.

Private Hire Vehicles

17.5 Private Hire Vehicles may carry roof signs but such roof signs:

17.6 shall bear to the front the words “Private Hire” – Advance Bookings Only” and

17.7 may bear to the rear only the name of the Private Hire Firm and its telephone number. Such sign shall be fixed in such manner and position and be of such size as shall be approved by the Council.

17.8 Private Hire Vehicles must be of one colour only.

18. Fares & Meters

18.1 Hackney Carriage Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.

18.2 Out of District journeys can be negotiated prior to the commencement of the journey in both Private Hire Vehicles and Taxis.

18.3 The meter must be calendar controlled to a tariff set by the Council.

18.4 A table of authorised fares will be provided to each Taxi licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

18.5 Private Hire Operators may set their own fares (in agreement with the hirer prior to the journey) but if a meter is used the fare chart must be displayed in each vehicle so that it is easily visible to all hirers.

18.6 All hackney carriages must be fitted with a meter installed by an approved meter installer.

18.7 The taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is compliant with the Council. The certificate issued must be available for inspection on the vehicle.

18.8 Seals must be intact at any time that the vehicle carries a licence plate except when at an approved installers premises.

19. Notification

19.1 The Licence holder shall, as soon as reasonably practicable and in any case within 72 hours of any accident involving the Vehicle, report the occurrence to the Council. Written notification must be given to the Council within seven days of the accident.

19.2 The Proprietor shall notify the Council of any change in the list of Drivers kept in accordance with Condition 15.6 within seven days of the change.

19.3 The Licence holder shall, within seven days thereof, notify the Council in writing of any change of residence and shall within the said period produce the Taxi or Private Hire Licence to the Council so that the Licence holder's new address may be endorsed there.

20. Radios

The Licence holder shall ensure that any radio equipment used in connection with the business shall:

20.1 be kept in a safe condition and in a proper working order.

20.2 comply with the relevant rules and regulations issued by the Home Office or other Government Department, the Post Office or British Telecom.

20.3 not interfere with any other radio or telecommunication equipment.

21. Dual Licensing

21.1 Dual licensing of Vehicles (i.e. the licensing of a vehicle with two authorities) is NOT accepted by the Council.

22. Minibuses

This Condition relates only to minibuses (8-seater Private Hire Vehicles and Taxis).

22.1 All doors should be capable of being opened from the inside when locked from the outside.

22.2 The Vehicle must have at least two doors to the rear of the Driver for the exclusive use of passengers

22.3 All Doors should show the method of operation of door lock operating levers i.e. Pull or Push with directional arrows in 5 cm letters.

22.4 All Emergency Doors must be clearly identifiable as such to passengers and should be clearly marked "Emergency Exit" in 5 cm letters. Ideally on door window glass, or in contrasting colour(s) to paintwork.

22.5 There should be unobstructed access to all Emergency Doors or exits. (Seats should be located to facilitate this).

22.6 All sliding windows in the passengers' compartment should be restricted to open 6 inches only to protect juveniles from head injury.

22.7 All steps at entrances and exits should be illuminated or have clearly visible markings at floor level.

- 22.8 The First Aid Kit must be carried in a convenient location, which is clearly marked.
- 22.9 Fire Extinguisher - at least one fire extinguisher that complies with BS EN3 (or an equivalent) and contains water or foam and have a minimum test fire rating of 8A or 21B must be carried in the Vehicle.

23. Taxi Buses

Taxi buses will only be licensed if in all the circumstances they are suitable in the opinion of the Council for use as Licensed Vehicles.

24. Amendments to these Conditions

The above conditions may be revised or amended at any time by the Council whereupon a copy of the conditions as revised or amended will be supplied to the operator.

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PROCEDURES FOR VEHICLE LICENCE EXTENSIONS AND DEFINITION OF EXCEPTIONAL QUALITY

The Council's Taxi Policy states that a vehicle will be licensed for 12 months on the last renewal date prior to the vehicle reaching 10 years of age. The vehicle cannot be licensed beyond this date unless an extension is approved by an Authorised Officer of the Council.

For any vehicle to continue to be licenced beyond 10 years of age the interior and exterior of the vehicle must still be in an excellent condition and be able to comply with the following checks which will be carried out at the Council's Testing Station.

If your vehicle passes, then a certificate will be issued which should be presented to the Licensing Section who will then consider the extension of the licence for an additional 12-month period.

All costs incurred to confirm a vehicle's suitability to extend the licence will be met by the applicant. The applicant should contact the Testing Station directly to arrange an appointment for the checks to be carried out.

The standards expected of a vehicle that requires an extension is as follows:

- Vehicles must meet minimum emissions standards with reference to the manufacturer's plate value. (Plate value is the emission limit specified by the vehicle manufacturer and can be found on the vehicle manufacturer's plate. If there is no emission value on the plate or it cannot be located, then reference will be made to the vehicle's year of manufacture)
- Diesel vehicles should have a Diesel Particulate Filter (DPF) fitted.
- Vehicles with four or fewer prescribed MOT faults will be permitted to undertake the necessary repairs and submit the vehicle for a re-test; vehicles with five or more faults will fail and not be permitted a re-test. Consumables are not counted as faults, see definition of consumables at *** on page 48.
- The vehicle must meet the full exterior and interior specification detailed below (each point listed below would constitute one defect). Vehicles with five or fewer defects as detailed will be permitted to undertake necessary repairs and submit for a re-rest. Vehicles with six or more defects will fail and will not be permitted a re-retest).

Exterior

- 1) All bodywork to be clean and sound, free from rust, corrosion, dents, scrapes or significant scratches or loose panels.
- 2) All paintwork must be in a good condition when the vehicle is viewed in normal light conditions.
- 3) All wheel trims to be fitted according to the manufacturer's specification and all matched
- 4) Door and wing mirrors to be in good condition. Two wing mirrors and an interior mirror are required.
- 5) Front and rear registration plates to be clean, clear, unbroken and conform to the relevant legislation. Number plates must always be visible.
- 6) Front and rear bumpers to have no rust, corrosion, dents, cracks or scrapes and be securely fitted. End caps must be fitted.
- 7) Mud flaps, if fitted should be maintained

- 8) No broken, cracked or missing glass or surrounds on all front and rear lights where fitted and must display the correct colour.
- 9) Radiator grills should be secure and to the original specification.
- 10) Windscreen and rear screen wiper arms should be in good condition and rust free and properly fitted.
- 11) All door locks and boot locks fitted and be in working order
- 12) All doors should be easily opened and in good working order
- 13) All door handles should be properly fitted, easily operated and of original specification
- 14) All tyres to conform to legal requirements (including spare if carried)
- 15) All road wheels to be clean and free from significant marks or damage
- 16) Vehicle to have a current MOT certificate or certificate of compliance
- 17) Evidence of servicing and maintenance over the last twelve months must be produced.

Interior

- 1) All seats to be manufacturer's original design, should match, be securely fitted with no holes or tears
- 2) All seat belts should be clean and in good working order. There must be sufficient seatbelts to cover every licensed seat. All anchorage point covers should be properly fitted and match original trim
- 3) All panels should be clean and match original trim
- 4) Fitted carpets should be of original specification, securely fitted with no rips or holes
- 5) All instruments and accessories should be fitted securely, match trim and be in good working order
- 6) Headlining to be clean with no holes or tears (unless repaired)
- 7) All windows to operate correctly and easily
- 8) Brake, clutch and accelerator pedal rubbers to be fitted and in good condition
- 9) The inside of the vehicle should be free from any trailing or loose wires
- 10) The boot and/or luggage space should be clean and tidy with an unstained carpet or cover to manufacturer's specification
- 11) If a hatchback, the boot cover must be original with both lifting straps fitted.
- 12) Gear lever gaiters, if fitted, should be in good condition
- 13) All lights should be in working order with appropriate covers securely fitted
- 14) Window locks, handles where provided by the manufacturer to be in working order
- 15) Heated rear screen to be in proper working order
- 16) Ramps, if fitted must be in good working order.

Guidance Notes

MOT Items – Any individual fault which would cause the vehicle to fail the standard MOT test will count as one fault. For example, a leaking brake cylinder and a bald tyre are two faults.

Interior and exterior faults – as a rule, each defect identified during the inspection will count as one fault, however multiple faults of an identical nature will count as one fault. For example, holes in two seats will count as one fault. Similarly, dents found on two separate panels will count as one fault.

Fixing – all trim should be present, correctly aligned and fixed in accordance with the manufacturer's specification.

Replacement Panels – vehicles which have been damaged and had replacement panels fitted are acceptable as hackney carriage and private hire vehicles provided that:

- The repairs have been carried out to a high standard
- The replacement panel has been fitted to the vehicle manufacturer's specification using approved fittings, and
- The replacement panel has been correctly alighted, level with all adjacent panels. The gaps between the panels should be uniform and similar to those between original panels.

*****Definition of Consumables**

The following items will not be counted as faults, but should be rectified as soon as reasonably practicable and before a new licence is issued:

- Light bulbs not working
- No fire extinguisher
- No fare card on display
- Absence of vehicle signage
- A missing licence plate
- Taxi meter not operating correctly

If your vehicle is refused permission to remain on the fleet by an Authorised Officer of the Council, you may appeal this decision within 21 days of refusal. The matter will then be placed before a Licensing Panel who will determine the application.

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APPENDIX E – LICENSED PRIVATE HIRE OPERATORS CONDITIONS

1. Licensed Private Hire Operators' Conditions

Definitions

- 1.1 'The Council' means Amber Valley Borough Council and 'Borough' means the district of the Council;
- 1.2 'Private Hire Vehicle' means a Private Hire Vehicle licensed by the Council under the 1976 Act;
- 1.3 'Taxi' means a Hackney Carriage licensed by the Council under the 1847 Act;
- 1.4 'Driver' means a driver licensed by the Council under the 1847 Act and the 1976 Act and 'Badge' means the badge owned and issued by the Council for the purposes of identifying the Driver as such;
- 1.5 'Operator' means a person licensed by the Council under the 1976 Act to operate Private Hire vehicles.
- 1.6 'Vehicle' means a licensed Taxi or Private Hire Vehicle.
- 1.7 'Licence' means a Taxi and Private Hire Vehicle Drivers Licence issued by the Council under the 1847 Act and the 1976 Act.
- 1.8 '1847 Act' means the Town Police Clauses Act 1847
- 1.9 '1976 Act' means the Local Government (Miscellaneous Provisions) Act 1976
- 1.10 'Authorised Officer' means any Officer of the Council authorised in writing by the Council for the purpose of these conditions;

2. Terms & Conditions

- 2.1 The Operator shall observe and perform the following terms and conditions: -

3. Bookings

- 3.1 No Operator shall invite or accept a booking for any vehicle operating as a Private Hire Vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking information as to the basis of charge for the hire of the Vehicle.
- 3.2 Every Operator who accepts a booking for a vehicle for an appointed time and place, shall give the booking to a Vehicle, allowing sufficient time for the vehicle to attend punctually.
- 3.3 The Operator shall cause to be entered in a book (not loose leaved), the pages of which are numbered consecutively, particulars of every Private Hire booking, and the particulars shall be entered in the book at the time of the booking and shall include the following: -
- 3.4 the time and date of each booking;
- 3.5 the method by which the booking was received, (i.e. telephone call or personal call);
- 3.6 details of the booked journey (i.e. fromto);
- 3.7 the name of the hirer;
- 3.8 the **registration number of the vehicle**, Plate number, or if a Taxi is being used for Private Hire work, the Taxi Plate number of the vehicle given the booking; and

- 3.9 the name **and driver's badge number** of the Driver.
- 3.10 where a Private Hire booking is undertaken on behalf of or passed to another Operator details must be recorded in accordance with the provisions of condition 3.3.
- 3.11 An alternative method of record keeping may only be used with the written agreement of the Council, which will specify in detail how the records are to be kept.
- 3.12 The records shall be kept for a period of not less than **one** year or such longer period as required by an Authorised Officer of the Council.
- 3.13 The records shall be produced, on request, to any Police Constable or Authorised Officer of the Council.
- 3.14 The Operator shall have in place a system, which ensures that any booking accepted by the company will be honoured. The system will ensure that each booking is monitored to make certain that vehicles are available to fulfil the agreed arrangements.
- 3.15 The Operator shall not provide a "courtesy car" to any member of the public in circumstances where either the Vehicle or the Driver is not correctly licensed.

4. Premises

- 4.1 The holder of an Operator's Licence shall not permit any person who is drunk **or under the influence of drugs** or is behaving in a disorderly manner, to remain upon the premises in respect of which the Licence is in force.
- 4.2 If provision is made by the Operator on his premises for the reception of members of the public proposing to hire a Vehicle, the Operator must ensure that the premises are always in a clean and tidy condition and that adequate arrangements are made for the seating of customers within the premises.
- 4.3 If the premises from which the Private Hire business operates change, the Operator shall notify the Licensing Section of the change within 7 days.

5. Drivers

- 5.1 It is an offence to employ an unlicensed driver (Section 47 TPCA 1847)
- 5.2 The Operator without prejudice to any other liabilities imposed under the 1976 Act, shall ensure that Drivers employed by or attached to the operation shall observe and perform the conditions of their Private Hire or Taxi Driver's Licence and that Vehicles conform to the conditions of their Private Hire or Taxi Vehicle Licence.
- 5.3 Operators shall ensure to the best of their ability before accepting Drivers onto their operation, that they are fit and proper persons to be engaged in the carrying of members of the public. In particular, they should examine Drivers' Licences and enquire whether the applicant has been convicted of driving or other offences.
- 5.4 The Operator shall be responsible for the actions of each Driver attached to the operation.

6. Ancillary Staff

- 6.1 **The Operator shall maintain a register of all staff members that take bookings and/or control vehicles and ensure that Basic DBS checks are conducted on any individuals added to the register. Evidence of sight of the DBS certificate should be documented within the register.**

7. Documentation

- 7.1 The Operator shall maintain at his/her premises particulars of all Drivers and of all vehicles associated with the operation, which shall include the following: -
- 7.2 the Plate number of each vehicle;
- 7.3 the registration number of each vehicle;
- 7.4 the name and address of the owners of each vehicle;
- 7.5 the name and address of the Driver of each vehicle;
- 7.6 the Badge number of each of the Drivers;
- 7.7 copies of the Licences for each vehicle and Driver;
- 7.8 a copy of the policy and certificate of insurance complying with the requirements of Part VI of the Road Traffic Act 1988 in respect of each Vehicle.
- 7.9 The above records shall be produced immediately on demand to any Authorised Officer or police constable.
- 7.10 Where a Driver or Vehicle join or leave the operation, the Operator shall within 7 days inform the Licensing Section in writing.
- 7.11 The Operator shall display his Operator's Licence in a prominent position at his office and have available a copy of these conditions for public scrutiny if requested.

8. Data Protection

PHV 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 your obligations.

9. Miscellaneous

- 9.1 The Operator shall not, knowingly or without the prior written consent of the Council, employ or be employed by, engage in partnership with, or allow or suffer any involvement in the management of the operation hereby licensed: -
- 9.2 any person who has been convicted of an offence under the 1976 Act or any other legislation relating to private hire and Taxi licensing; and
- 9.3 any person who, for the purposes of Part II of the said Act, has been found by any licensing Authority not to be a fit and proper person to hold a Driver's, Vehicle or Operator's Licence.
- 9.4 The Operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run or play any part in the management of the Private Hire business.

10. Amendment to these Conditions

- 10.1 The above conditions may be revised or amended at any time by the Council whereupon a copy of the conditions as revised or amended will be supplied to the operator.

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APPENDIX F – CONVICTIONS POLICY

1. Introduction

It is the responsibility of Amber Valley Borough Council to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty, the Council will consider the need to ensure the safety of the public as its primary consideration.

This policy provides guidance to the Licensing Board, its sub-committees and officers on the criteria to consider when determining whether an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage/Private Hire or Operator Licence.

In considering this guidance the Licensing Authority will be mindful that each case must be considered on its own individual merits and, where the circumstances demand, the committee may depart from the guidelines. The Licensing Authority shall only depart from this policy in exceptional circumstances and will record its reasons for doing so.

2. Powers

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence, failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the licensing authority to consider all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act, 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a Hackney Carriage/Private Hire/Operator Licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for
- The seriousness of the offence(s)
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the Court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending

Where an applicant has been convicted of a criminal offence the Council cannot review the merits of the conviction (Nottingham City Council v. Mohammed Farooq (1998)).

These guidelines are not an attempt to define what a “fit and proper person” is.

Existing licence holders are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, endorseable fixed penalty notice or criminal conviction (including cautions). To fail to do so, will raise serious questions for the licensing authority as to the honesty of the licence holder and will be considered as part of any subsequent renewal process.

The conviction/motoring offences criteria for new drivers will also apply to existing drivers if they are convicted whilst already a licensed driver.

Offences of a nature not specifically mentioned in this policy will also be considered when considering whether an applicant is a “fit and proper person”.

Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Licensing Section on 01773 841367.

3. Application Process

Officers will process and determine all applications under delegated authority. However, where an applicant has a previous conviction for any of the following offences the application **will normally be refused**.

- Any offence resulting in the loss of life
- Serious offences involving violence
- Sexual offences
- Where an applicant has been or still is on the Sex Offenders Register or any other similar register
- Perpetual offending
- Racially aggravated offences

If an applicant is aggrieved by an officer’s decision and feels that they have mitigating circumstances to enable departure from the Council’s policy, then they may ask that their application is placed before the Licensing Panel **for determination**.

If the Licensing Panel uphold the officer’s decision and the applicant is still aggrieved, then application can be made to appeal the decision to the local Magistrates’ Court within 21 days of the notice of refusal.

This process is also available to persons who have their licence suspended or revoked on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence (Local Government (Miscellaneous Provisions) Act 1966, s 77(1)).

4. General Policy

Each case will be decided on its own merits.

In addition to providing an Enhanced Disclosure Certificate on application, all licence holders will be required to sign up to the Disclosure and Barring Service update service for the duration of the period they are licensed for. The Council must be given permission to check the licence holder's record as and when it considers it necessary to do so.

In this guidance the word "conviction" includes convictions, cautions, warnings, reprimands, fixed penalty notices and other relevant information. For custodial sentences the term "from date sentence has ended" is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For non-custodial offences the relevant date will be the date of sentencing.

If an outstanding charge or summons involves a serious offence and/or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application should normally be put on hold until proceedings are concluded, or the licence may be refused. Such cases will always be referred to the Licensing Panel with a view to refusal/revocation.

If an individual has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to revoking their licence or refusing the application if the evidence supports this.

The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence, but should be expected to:

- a) Remain free of conviction for an appropriate period and
- b) Show adequate evidence of good character from the time of conviction.

Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.

All applicants will be checked on the National Register of Taxi Licence Revocations and Refusals database.

Where an applicant has had a Hackney Carriage/Private Hire Driver's Licence revoked by any local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation. The applicant's previous licensing authority may be contacted for details of why the licence was revoked or refused.

The following examples afford a general guide on the action, which might be taken where convictions are disclosed.

5. **Serious offences involving violence and/or loss of life**

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

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

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

Offences involving violence

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

Possession of a weapon

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

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to the following and the date of conviction **or completion of sentence if a period of imprisonment is imposed** is less than 5 years prior to the application:

- Obstruction
- Resist arrest
- Threats to Kill
- Criminal Damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6. Exploitation

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

7. Sexual and Indecency Offences

As licensed drivers carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences will be considered as serious. Applicants with convictions for sexual offences will normally be refused a licence. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Indecent exposure
- Importuning
- Making indecent telephone calls
- Any similar offences (including attempted or conspiracy to commit offences) which replace the above.

8. Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. During their working duties, drivers will deal with cash transactions and valuable property may be left in their vehicles.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused.

For these reasons, a serious view is taken of any convictions involving dishonesty. In general, a minimum period of 7 years since the date of conviction or the completion of sentence if a period of imprisonment is imposed is required before granting a licence. Offences involving dishonesty include:

- Theft

- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Fare overcharging
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

9. Discrimination

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

10. Alcohol and Drugs

Driving whilst under the influence of drugs poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered carefully.

A serious view will be taken of convictions for driving or being in charge of a vehicle while under the influence of alcohol or drugs. Where a disqualification has occurred because of a conviction for driving whilst under the influence of alcohol or drugs at least 7 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

In the case of driving under the influence of drugs, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

10.1 Drunkenness with a motor vehicle

An isolated conviction for drunkenness, without disqualification, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one conviction for this type of offence or one such offence within the last 7 years is likely to merit refusal.

10.2 Drunkenness not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, several convictions from drunkenness could

indicate a **dependency or** medical problem necessitating critical examination and refusal of a licence.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

10.3 Drugs

Because of the nature of a driver's involvement with the public, a licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and at least 10 years have passed since the date of conviction **or completion of sentence if a period of imprisonment is imposed**

A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and at least 5 years have passed since the date of conviction **or completion of sentence if a period of imprisonment is imposed**

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

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

11. Driving offences involving the loss of life

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

A licence will not **normally be granted or will be revoked** for the following offences:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above

A licence will not normally be granted unless a period of **10** years has passed since the date of conviction **or completion of sentence if a period of imprisonment is imposed** for the following offences:

- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers

12. Major Motoring Convictions (excluding the loss of life)

Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than 2 years prior to the application.

In cases of disqualification at least 3 years free from conviction after the restoration of the DVLA licence should normally elapse before a new applicant is granted a licence.

More than one conviction of this type of offence within the last 5 years is likely to merit refusal.

12.1 Minor Traffic Offences

The following table will be followed in respect of applications received where the applicant has convictions for minor traffic offences.

No more than 1 conviction (3 points) within the previous 12 months	Licence granted but with a verbal warning as to future driving conduct.
No more than 2 convictions (total of 6 points) within the previous 2 years	Licence granted but with a written warning as to future driving conduct
Three and above convictions (more than 6 points) within the past 2 years	Licence will not normally be granted

A minor traffic offence is deemed to be where 3 points have been awarded

13. Disqualification

Where an applicant has been disqualified from driving because of a single traffic offence or incident, the application will generally be refused unless a period of 2 years free from conviction has elapsed from the restoration of the DVLA licence.

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.

In "totting up" cases where disqualification is considered by the court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances) the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of **between 12 months and 2 years has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.**

Where an existing licence holder is disqualified from driving because of the totting up procedure, the licence will normally be revoked.

14. Insurance Offences

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident will not necessarily stop a licence being granted provided a new applicant has been free of conviction for 3 years, (or since the restoration of the DVLA licence,) subject to a strict warning being given as to future behaviour. For existing licence holders an isolated incident would be suitable for a short suspension or a warning.

More than one of these offences within the past 10 years will normally result on the licence being refused or revoked.

15. Mobile Phones

Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the longer.

16. Licensing Offences

Licensed drivers who are guilty of committing offences under taxi legislation (i.e. overcharging, refusing to carry disabled passengers, private hire vehicles plying for hire etc.), would be referred to the Licensing Board/Panel for final determination on the possibility of suspension or refusal to renew an existing licence.

17. Summary

Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, but in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. If there is doubt about the suitability of an individual to be licensed the Council/Licensing Board needs to be mindful of the need to protect the public and caution should be exercised.

Whilst it is possible that an applicant may have several convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously, some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the Council's overriding consideration is the protection of the public.

Where an applicant/existing licence holder is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

Traffic Offences

Endorsement codes and penalty points

Accident Offences

These codes must stay on a driving record for 4 years from the date of the offence

Code	Offence	Penalty Points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

Disqualified driver

Codes BA10 and BA30 must stay on a driving record for 4 years from the date of the offence

Code	Offence	Penalty Points
BA10	Driving while disqualified by order of the court	6
BA30	Attempting to drive while disqualified by order of the court	6

Codes BA40 and BA60 must stay on a driving record for 4 years from the date of the conviction

Code	Offence	Penalty Points
BA40	Causing death while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11

Careless driving

Codes CD10 to CD30 must stay on a driving record for 4 years from the date of the offence

Code	Offence	Penalty Points
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9

Codes CD40 to CD70 must stay on a driving record for 11 years from the date of the conviction

Code	Offence	Penalty Points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving record for 4 years from the date of the conviction

Code	Offence	Penalty Points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11

Construction and use offences

These codes must stay on a driving record for 4 years from the date of the offence

Code	Offence	Penalty Points
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres in a dangerous condition).	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason or load or passengers	3
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc.	3

Reckless/dangerous driving

These codes must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty Points
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

Drink

Codes DR10 to DR61 must stay on a driving record for 11 years from the date of conviction.

Code	Offence	Penalty Points
DR10	Driving or attempting to drive with alcohol above legal limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11

DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

Codes DR40 to DR70 must stay on a driving record for 4 years from the date of the offence or 4 years from the date of conviction where a disqualification is imposed.

Code	Offence	Penalty Points
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4

Drugs

These codes must stay on a driving record for 11 years from the date of the conviction

Code	Offence	Penalty Points
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
DG60	Causing death by careless driving with drug level above the limit	3 to 11
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

These codes must stay on a driving record for 4 years from the date of the offence or 4 years from the date of conviction where a disqualification is imposed.

Code	Offence	Penalty Points
DG40	In charge of a vehicle while drug level above specified limit	10
DR90	In charge of a vehicle when unfit through drugs	10

Insurance offences

Code IN10 must stay on a driving record for 4 years from the date of the offence

Code	Offence	Penalty Points
IN10	Using a vehicle uninsured against third party risks	6 to 8

Licence offences

These codes must stay on a driving record for 4 years from the date of the offence

Code	Offence	Penalty Points
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6

Miscellaneous offences

These codes must stay on a driving record for 4 years from the date of the offence

Code	Offence	Penalty Points
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MC30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6

Motorway offences

Code MW10 must stay on a driving record for 4 years from the date of the offence

Code	Offence	Penalty Points
MW10	Contravention of special roads regulations (excluding speed limits)	3

Pedestrian crossings

These codes must stay on a driving record for 4 years from the date of the offence

Code	Offence	Penalty Points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

Speed limits

These codes must stay on a driving record for 4 years from the date of the offence

Code	Offence	Penalty Points
SP10	Exceeding goods vehicle speed limit	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

Traffic direction and signs

These codes must stay on a driving record for 4 years from the date of the offence

Code	Offence	Penalty Points
TS10	Failing to comply with traffic light signs	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Special code

Code TT99 must stay on a driving record for 4 years from the date of conviction.

It shows disqualification under 'totting-up' – if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

Theft or unauthorised taking

Code UT50 must stay on a driving record for 4 years from the date of the offence

Code	Offence	Penalty Points
UT50	Aggravated taking of a vehicle	3 to 11

Mutual recognition codes

A MR code will be put on a driving licence if a person is disqualified while driving in Northern Ireland, Isle of Man. The disqualification period will also be valid in Great Britain and will stay on your record for 4 years from the date of conviction.

Code	Offence
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)

MR19	Wilful failure to carry out the obligation placed on a driver after being involved in a road accident (hit or run)
MT29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes LC22 on your licence if you have helped someone to do this.

Causing or permitting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your licence if you've incited someone to do this.

Source: GOV.UK – **December 2018**

Where only 3 penalty points are awarded for any of the above offences, for the purpose of this policy it will be deemed as a minor offence.

Where 4 or above points are awarded for any of the above offences, for the purpose of this policy it will be deemed as a major offence.

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