



**BOSTON BOROUGH COUNCIL**

**HACKNEY CARRIAGE DRIVERS  
AND PROPRIETORS POLICY &  
GUIDANCE**

**March 2022 v.5.0**

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## 1. **BOSTON HACKNEY CARRIAGE ASSOCIATION**

The Council discusses matters relating to taxi ranks, licences and conditions from time to time with the Association that represents most operators/drivers. While stressing that the issue of licences is not conditional upon membership of the Association, the Council believes that an active Hackney Carriage Association is of benefit to its members, the Council and to the general public as a whole. If you are not a member and are interested in joining please contact the Licensing Section for details of the current Boston Hackney Carriage Association officers.

## 2. **GENERAL MATTERS**

### 2.1 **Introduction**

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

#### Legislation

Town Police Clauses Act, 1847  
Local Government (Miscellaneous Provisions) Act, 1976  
Transport Act, 1985

#### Abbreviation

TPCA  
LG (MP) A  
TA

NB: Where relevant, in the guide, the source of the law is given in the above abbreviated form. Copies of the conditions attached to licences are printed on the licences and in this guide.

### 2.2 **Correspondence**

All correspondence should be addressed to the Licensing Section, Municipal Buildings, West Street, Boston PE21 8QR or by email: [licensing@boston.gov.uk](mailto:licensing@boston.gov.uk).

### 2.3 **Loss of Licence**

This should be reported immediately to the Licensing Section, Municipal Buildings, West Street, Boston PE21 8QR. Upon receipt of a fee, a duplicate licence will be issued.

### 2.4 **Driver's Badge**

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

### 2.5 **Lost or Stolen Driver's Badge**

This should be reported immediately to the Licensing Section, Municipal Buildings, West Street, Boston PE21 8QR. Upon receipt of a fee and one passport-sized photograph, a duplicate badge will be issued.

### 2.6 **Vehicles**

You are **strongly** advised to contact the licensing section prior to purchasing the vehicle. This will enable the licensing section to confirm whether or not the vehicle is suitable, thus avoiding purchase of an unsuitable vehicle which will not meet the criteria resulting in refusal of a licence. Dimensions of vehicles to be licensed as Hackney Carriages can be found at Appendix A.



## **2.7 Lost or stolen or damaged Vehicle Plate**

This should be reported immediately to the Licensing Section, Municipal Buildings, West Street, Boston PE21 8QR. Upon receipt of the hire of plate charge + replacement plate, a new plate will be issued.

## **2.8 Whistleblowing**

This Council has adopted a Whistleblowing Policy and has internal procedures in place for licensing staff to raise concerns if they feel that licensing policies and requirements are not being correctly applied and implemented. The Whistleblowing Policy applies to all employees and officers of the organisation. Other individuals performing functions in relation to the organisation, such as secondees, external contractors and agency employees, whilst they are at the council, are also encouraged to use the policy.

This Authority recognises that if a worker is aware of, and has access to, effective internal procedures for raising concerns then whistleblowing is unlikely to be needed.

Copies of the Council's whistleblowing procedure is available on request by emailing: [licensing@boston.gov.uk](mailto:licensing@boston.gov.uk)

## **2.9 Multi-Agency Safeguarding Hub**

This Council has a range of statutory duties to carry out in relation to safeguarding and promoting the wellbeing of individuals and communities. The Safeguarding Policy and Procedures has been written to support the Council in protecting those who need safeguarding by providing a reference point and guidance for staff, elected members, volunteers, key contractors, consultants and directly commissioned providers acting on behalf of the Council. It seeks to provide practical guidance to ensure that the Council plays its full part in safeguarding and promoting the wellbeing of individuals and communities at all times. The Policy and procedures are available on the Council's internal Intranet.

Copies of the Council's Safeguarding policy and procedures are available on request by emailing: [licensing@boston.gov.uk](mailto:licensing@boston.gov.uk)

## **2.10 Policy Review**

This Policy will be reviewed every five years from the date of adoption. However, following consultation, the Council may make revisions to it as deemed necessary.

### **3. APPLICATIONS**

#### **3.1 Fees and Charges**

All fees and charges are payable in advance. Full details of all current fees and charges are available from the Municipal Buildings, West Street, Boston PE21 8QR or via the council's website at [www.mybostonuk.com](http://www.mybostonuk.com). Cheques and postal orders should be made payable to BOSTON BOROUGH COUNCIL and crossed. Any licence issued on payment by a cheque, which is not honoured by the Bank, will be invalid. You are advised to obtain an official receipt for all monies paid.

Where an applicant is refused a licence, the fee previously paid for the licence is refunded, unless the applicant appeals against refusal. If any appeal succeeds the fee will be taken; if the appeal fails the fee will be refunded LESS any costs which have been awarded by the Court. (NB any fee paid in connection with a Medical Certificate or Criminal Record Disclosure is NOT refundable.)

#### **3.2 Forms of Application, etc.**

All forms, etc, are available from the Licensing Section, Municipal Buildings, West Street, Boston.

#### **3.3 Licence Renewal Reminders**

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

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

When submitting an application for renewal of a Hackney Carriage Driver Licence, applicants should note that a new driver licence will not be issued until all the necessary checks have been completed. The Council, therefore, recommends that all applicants submit renewals in respect of driver licences at least 21 working days before the expiry of their current licence.

#### **3.4 Identity of Applicants**

The Council will make every effort to confirm the identity of all applicants. Verification of identity, date of birth, address and any change of name will be obtained. A right to work check will be undertaken at the time a licence is applied for or on renewal application for existing drivers who have not previously had a right to work check. A further right to work check will be undertaken during the currency of a licence where the licensee has a time limited right to work in the UK. A copy of the identification used to verify the right to work check will be taken and retained for the period that you are a licensed driver and for 2 years afterwards.

### 3.5 **Production of UK/EU Driving Licences**

Applicants for a Hackney Carriage Driver Licence should note that a FULL UK or EU driving licence with a minimum of over one year before expiry, (if an EU Licence, the licence together with the paper part issued by DVLA), or legal equivalent should be produced. However, it is recognised that in some circumstances this may not be possible. As the Council require written proof of the holding of a licence, applicants in these circumstances applicants should write or telephone DVLA at Swansea and request a letter confirming their licence details for production to the Council. If an EU Driving Licence is produced applicants will have to make arrangements with the issuing authority that confirmation of their licence details is sent by the issuing authority directly to the Licensing Section, Boston Borough Council, Municipal Buildings, West Street, BOSTON, PE21 8QR, UK. **NB Any fee charged by the issuing authority is the responsibility of the applicant.**

### 3.6 **Driver Knowledge Test and Basic English Test**

A Knowledge Test (requiring a fee) and Basic English and Mathematics Test must be undertaken by all applicants for a Hackney Carriage Driver Licence, other than applicants for renewal of a driver licence in force at the date of application.

Both tests form part of the process of ensuring that the applicant is "a fit and proper person". The knowledge test will be as outlined in Appendix H and will consist of:

1. A number of written questions, which will test the applicant's knowledge of the law as it relates to Hackney Carriages.
2. A number of written multiple-choice questions to test the applicant's knowledge of the area covered by Boston Borough Council.

Applicants should contact the Licensing Office to arrange an appointment for the tests. If the Knowledge Test is failed at the first attempt then a further test can be taken at a later date. The Knowledge Test has a fee involved. The Basic English and Mathematics Test must be passed before any driver licence will be issued.

### 3.7 **Medical Examinations - Hackney Carriage Drivers**

All applicants making their first application must lodge a certified medical certificate. A medical certificate will then be required every six years thereafter, unless an applicant's condition warrants examination on a more regular basis.

An applicant aged 65 years or over must undergo the medical examination every year.

As recommended by the Medical Commission on Accident Prevention the authority requires licence holders to attain DVLA Group 2 Vocational Licence Standard.

Any fee charged by the Doctor is payable by the applicant.

A Medical Practitioner who has full knowledge of the applicant's medical history must carry out the examination.

Where the Medical Practitioner cannot carry out the eye test this part of the medical form must be completed and the form signed by an optician prior to the medical being carried out.



Medical certificate forms and further information can be obtained from the Licensing Section.

Any applicant who does not meet the DVLA Group 2 Vocational Licence Standard can expect to have their application refused.

Licensed drivers who no longer meet the DVLA Group 2 Vocational Licence Standard either temporarily or permanently must notify the Licensing Authority forthwith. In such cases the driver can expect to have their licence either suspended or revoked. Guidance on the DVLA Group 2 Vocational Licence Standards is available from the Licensing Authority.

**The Council will not normally accept certified medical certificates submitted with an application, which is received more than 6 weeks after the Doctor has signed the report.**

### **3.8 Conviction(s)**

When submitting an application for a licence to drive a licensed vehicle, applicants are required to declare any conviction(s) or caution(s) they may have, including any they previously regarded as "spent" under the Rehabilitation of Offenders Act, 1974. The information applicants give will be treated in confidence and will only be taken into account in relation to their application. Applicants should be aware that the Borough Council will require applicants to apply for a Criminal Records Disclosure from the Disclosure and Barring Service (DBS). The Disclosure will reveal the existence and content of any criminal record or relevant information held in the name of an applicant. Checks will also be made with the Driver and Vehicle Licensing Agency (DVLA). Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained on manual and computer record(s) for no longer than is necessary. Any information received may be used in Court proceedings.

**DBS checks for licensed drivers will be completed every six months by the Licensing Authority. This Authority recommends all licensed drivers to subscribe to the DBS Update Service, to maintain the annual subscription. Licensed drivers will need to retain their DBS Certificate once they have subscribed as the Certificate will be linked to the Update Service.**

**Any driver not signed up to the Update Service will be required to complete the DBS form and pay for at their own expense every six months.**

Exceptionally, the Council may request an additional Disclosure if:

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

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

The Council has adopted guidelines relating to the relevance of conviction(s) and each case will be decided on its own merits. The Council's guidelines are set down in Appendix G.

Disclosures that are more than 1 calendar month old at the time of application will not be accepted.

Applicants may contact the Licensing Section, in confidence, to discuss what effect a conviction(s) might have on their application.

### **3.9 Code of Conduct**

Applicants will be asked to sign a declaration to confirm that they understand the Driver Code of Conduct which forms part of the Licensing Authority's Policy. See Appendix I.

### **3.10 Non Disclosure or Misrepresentation**

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

### **3.11 Referrals to the Disclosure and Barring Service & the Police**

Any decision to refuse or revoke a licence where the individual is thought to present a risk of harm to a child or vulnerable adult will be referred by this Authority to the Disclosure and Barring Service (DBS) and the Data Protection Team of the Lincolnshire Police.

### **3.12 National Register of Refusals and Revocations – NR3**

Licensing Authorities are required to satisfy themselves that those holding hackney carriage and Private Hire Vehicle driver 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. If drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for the Licensing Authority to find this information out. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a licence in another area, despite having had their licence revoked or their application refused elsewhere.

In response to this a national register of hackney carriage and private hire vehicle driver licence refusals and revocations which is called the "National Register of Refusals and Revocations" or NR3 has been created and Boston Borough Council has signed up to use this register. The register allows the Licensing Authority to record details where a hackney carriage or PHV driver's licence has been refused or revoked and allows the Licensing Authority to check new applicants against the register.

### **3.13 HMRC Tax Conditionality**

With effect from the 4 April 2022 licensing authorities within England and Wales will be required to ensure that hackney carriage/private hire drivers and private hire operators are registered for tax. A licence renewal will not be able to proceed until the check has been validated by licensing officers. If an application is for a new driver application then advice on how to register with HMRC to pay tax will be passed onto the applicant and the applicant will be required to confirm that they have read the advice.

### 3.14 **Appeals**

Any applicant refused a driver and/or hackney carriage vehicle licence has a right of appeal to a Magistrates' Court.

## 4. **INSTRUCTIONS FOR HACKNEY CARRIAGE DRIVERS AND PROPRIETORS**

### 4.1 **Plying and Standing for Hire**

Licensed hackney carriages may ply for hire on any street within the Boston Borough Council area (Section 38, TPCA). Hackney Carriage stands (taxi ranks) are appointed for the purpose of standing for hire. When plying for hire in any street and not actually hired, the driver of a Hackney Carriage must proceed to the nearest available taxi rank.

The Boston Borough Council area consists of: - Algarkirk, Amber Hill, Benington, Bicker, Boston, Brothertoft, Butterwick, Fishtoft, Fosdyke, Frampton, Freiston, Holland Fen, Kirton, Leverton, Old Leake, Sutterton, Swineshead, Wigtoft, Wrangle and Wyberton. To ply for hire outside these boundaries is an offence (Section 45, TPCA).

### 4.2 **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 valid hackney carriage driver licence (Section 46, TPCA).

This provision does not apply to a person driving a licensed Hackney Carriage for the purpose of: -

- (a) Any test of the mechanical condition or fitness of the Hackney Carriage.
- (b) Any test of that persons' competence to drive a Hackney Carriage carried out for the purposes of any application made by him/her for a licence to drive a Hackney Carriage. It is an offence to employ an unlicensed driver (Section 47, TPCA).

### 4.3 **Vehicle Licensing – Criminality Checks for Vehicle Proprietors**

Vehicle applications must also be accompanied by a Basic Disclosure Certificate, issued by the Disclosure and Barring Service (DBS) for each licence applicant.

A certificate must be supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company. Certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 1 month before the date on which the application was made.

The requirement to provide a Basic Disclosure Certificate will not apply to any applicant (or director) who holds a current private hire or hackney carriage driver's licence issued by Boston Borough Council.

These individuals have already been assessed for their fitness and propriety during their application for a driver licence, and as such no further checks of any criminal record history for that particular applicant will be considered necessary.

Applicants who are applying simultaneously for a driver's licence (and have made an application, not simply requested a driver licence application pack) will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The vehicle licence application will not be determined until any such disclosure certificates (including enhanced certificates as part of a simultaneous driver's licence application) have been received.

#### Annual DBS Check (Vehicle Proprietors)

Following the issue of a vehicle licence the licence holder will be required to submit to this Authority an up to date result of a Basic DBS Check on an annual basis.

This means that a check must be obtained and supplied in respect of a sole individual, or each individual where the licence is held by multiple individuals, or each director of a limited company licence holder.

DBS certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 1 month before the date on which the certificate is submitted to this Authority.

This requirement will not relate to any individual holding a current private hire or hackney carriage driver's licence issued by Boston Borough Council and that person has:

- signed up to the DBS Update Service;
- completed this Authority's 'DBS Update Service Authorisation Form'; and
- provided a six monthly DBS certificate as required under the hackney carriage driver's licence regime.

#### **4.4 Driver's Badges**

All drivers must wear the badge provided, when driving, or plying for hire in a taxi, in a position so as to be plainly visible. The driver's badge remains the property of the Council and must be returned to the Licensing Section, Municipal Buildings, Boston either at the termination of the licence or when moving from the Borough and ceasing to be a Hackney Carriage Driver.

#### **4.5 Driver's Licence**

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

- (a) Is a "fit and proper person".
- (b) Is medically fit to drive a taxi (Sections 57 and 59 LG (MP)A).

The law requires any applicant for a Hackney Carriage Driver's Licence to have held a full UK driving licence (or a legal equivalent) for at least 12 months (Section 51, LG(MP)A). The Council will not normally regard the applicant to be sufficiently experienced unless he/she has held a full licence for at least two years.

~~Licence holders should note that the issue of a three year Hackney Carriage Driver Licence is conditional to having held a Hackney Carriage Driver licence, issued by this authority, for three~~

~~consecutive years without a break. If you allow your licence to expire before applying for renewal, the continuity is broken.~~

The licence issued must be deposited with the proprietor of the vehicle being driven (Section 48, TPCA).

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

**4.6 Production of Licences**

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

**4.7 Obstruction of Officers**

It is an offence to:-

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

**4.8 Obstruction of Other Drivers**

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

**4.9 Suspension and Revocation of Driver Licences**

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

- (a) The conviction of an offence involving dishonesty, indecency or violence.
- (b) The conviction of an offence under LG(MP)A.
- (c) Any other reasonable cause (Section 61, LG(MP)A).

**4.10 Suspension and Revocation of Driver Licences – Immigration Offences**

Where a licence holder has been served an immigration penalty, or convicted of an immigration offence, the licence will be revoked by this Authority.

Similarly, any licence applicant who has been served an immigration penalty, or convicted of an immigration offence, is unlikely to be granted a licence by this Authority.

**4.11 Suspension and Revocation of Driver Licences – New Evidence**

With regard to the suspension or revocation of driver licences - this Authority recognises that new evidence may be produced at an appeal hearing that may result in the Court reaching a different decision to that reached by the Council. The Authority also recognises that an appeal may be settled by agreement between the Licensing Authority and the driver on terms which, in the light of new evidence, becomes the appropriate course of action.

For example, if the allegations against a driver are subsequently, on the balance of probability, considered to be unfounded, a suspension can be lifted or, if the licence has been revoked, an expedited re-licensing process can be used.

In each case, approval to use a driver expedited re-licensing process will be considered by Council Licensing Officers in conjunction with the Council's Legal Department and the Licensing Sub-Committee. This expedited re-licensing system is to be used only in exceptional and compelling circumstances.

#### **4.12 Retention of Driver Licences**

A vehicle proprietor must retain in his possession the driver licences issued by the Council of all drivers driving his vehicle(s) (Section 48 TPCA).

#### **4.13 Conviction(s) Licensee Self-reporting**

A licence holder MUST disclose to the Council, in writing, details of any conviction(s) imposed on him/her during the currency of his licence as soon as possible after the conviction(s).

Licence holders are required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not, however, be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. A failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

#### **4.14 Procedure on Taxi Ranks**

The procedure for the taxi ranks is for drivers to take their proper turn, moving forward as the vehicle in front moves away.

The first vehicle on the rank only is to display the "for hire" sign and roof light. The roof light to be switched off when hired - no plying for hire except when on, or proceeding to, the taxi rank. Proceed in turn to the front of the rank - do not stop for prospective fare hailing from the back of the rank.

#### **4.15 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 Boston Borough Council area (Section 53, TPCA).

#### **4.16 Passengers**

The driver must not convey any other person other than with the consent of the hirer (Section 59, TPCA).

#### **4.17 Number of Passengers**

A Hackney Carriage Vehicle Licence and Plate are issued for a maximum number of passengers (regardless of age or size) and it is an offence to carry more than the number licensed for.

NB: One child regardless of age will count as one passenger.

#### **4.18 Prolongation of Journeys**

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

#### **4.19 Accident and Damage to Vehicles**

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

#### **4.20 Identification Plates on Vehicles**

A licensed vehicle must display the plate issued by the Council at all times (Section 51 TPCA). The plate must be attached to the satisfaction of the Council to the rear of the vehicle, below window level in a vertical plane (as near as possible), with none of the plate concealed whatsoever. The size of the plate must not be altered.

The display of Plate numbers must not be concealed (Section 52, TPCA).

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

#### **4.21 Taxi Roof Sign**

All hackney carriage vehicles licensed with Boston Borough Council must display a roof sign, which is capable of being illuminated. Such a sign must not illuminate when the taximeter is in the hired mode. The roof sign must prominently display the word "TAXI" or "HACKNEY CARRIAGE" to the front of the vehicle. The aforementioned lettering must be at least 4 cm (approx 1½ ") in size and be of a neat and consistent standard. The minimum size of lettering will not relate to those vehicles which meet the Metropolitan Conditions of Fitness (London style black cab).

#### **4.22 Seatbelts - Hackney Carriage Drivers**

When you do not have to wear a seatbelt - whilst all drivers are encouraged to wear seatbelts, a driver of a taxi can claim exemption from wearing a seatbelt whilst plying for hire, answering a call for hire or carrying passengers for hire. However, this does not include driving to and from his home, office or base or at any time when he is not plying for hire. **Passengers** must wear a seatbelt if available.

#### **4.23 Standard of Dress**

Drivers should be dressed in a clean, tidy and decent manner at all times whilst plying for hire or conveying passengers; the wearing of shorts is not permitted.

#### **4.24 Hackney Carriage Byelaws**

Drivers and Proprietors must at all times comply with the Byelaws made by the Council under Section 68 of the Town Police Clauses Act, 1847, and Section 171 of the Public Health Act, 1875, **and on no occasion charge any fares in excess of those authorised by the Council.** The current fare scale is available for inspection at the Municipal Buildings, Boston, and must be displayed in every Hackney Carriage. See Section 6.

#### **4.25 Vehicle Licences**

Every vehicle used as a taxi must be licensed by the District Council (Section 46, LG (MP) A). You are **strongly** advised to contact the licensing section prior to purchasing the vehicle. This will enable the licensing section to confirm whether or not the vehicle is suitable, thus avoiding purchase of an unsuitable vehicle which will not meet the criteria resulting in refusal of a licence.

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

- (a) suitable in type, size and design for such use.
- (b) in a suitable mechanical condition.
- (c) safe and comfortable.
- (d) insured for public hire car use (Section 48, LG (MP) A).

A vehicle licence shall be valid for a period of twelve months.

#### **4.26 Type of Vehicle**

All vehicles presented for a Hackney Carriage Vehicle Licence **must** meet the requirements set out in Appendix 'A' (Section 47 LG(MP)A).

Hackney Carriage Vehicle Licences will not be issued (other than by way of renewal) to vehicles being presented to be licensed to carry 5 or more passengers unless such vehicles are wheelchair accessible.

#### **4.27 Advertisements on Vehicles**

The proprietor must not cause or permit any advertisements on the vehicle unless it meets the criteria of Condition 9 on the Hackney Carriage Conditions.

#### **4.28 Vehicle Insurance**

Before a vehicle licence can be issued a current certificate or cover note for public hire use (original, not a photocopy) must be produced (Section 50 LG(MP)A). A certificate or cover note must be produced on demand to an authorised Officer (Section 50 LG(MP)A).

#### **4.29 Testing of Vehicles**

All vehicles (whatever their age) must be tested and inspected **by a DVSA authorised MOT Testing Station based within the Boston Borough Council area** before a licence can be issued to ensure that they are mechanically fit and of good appearance (Section 50 LG(MP)A).

Every Hackney Carriage licensed by Boston Borough Council **must** be inspected on at least two separate occasions in every 12 months. An authorised Officer or Police Constable has power to inspect and test any licensed vehicle at any reasonable time (Section 68 LG(MP)A).

#### **MOT Certificate Exemptions for Vehicles**

~~Vehicles licensed by Boston Borough Council are exempt from the requirement to possess a MOT certificate.~~

~~If licence holders are requested to produce an MOT certificate by the Police, the licence and certificate of compliance issued by the Council should be produced instead. When applying for motor tax, the vehicle licence and certificate of compliance plus MOT form V112 must be produced at the Post Office.~~

~~These forms are available from the Post Office.~~

**NB:** ~~Once the Council's vehicle licence has expired, suspended, revoked or cancelled, the vehicle reverts to the status of an ordinary private car and the law relating to vehicle excise licences and the holding of an MOT certificate apply.~~





#### **4.30 Suspension and Revocation of Vehicle Licences**

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

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

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

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

#### **4.31 Vehicle Fitness Spot Checks**

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

- (a) (i) If, as a result of a check, an immediate suspension notice is issued, then the vehicle must not be used under any circumstances as a licensed vehicle until it has been re-examined and the suspension lifted by an authorised Officer. Re-examination is by a full test being carried out by the test garage. This is booked in the normal way.
  - (ii) Your attention is drawn to the warnings at the foot of the suspension notice.
- (b) (i) If the suspension notice gives you a set number of days in which to rectify the defects, then a vehicle may continue to be used until the date given on the notice.
  - (i) If a vehicle has not been re-examined and the suspension notice lifted by an authorised Officer by the date given on the notice, then from that date, the licence is automatically suspended until such time as the vehicle is re-examined and the suspension lifted by an authorised Officer. Re-examination is by a full test being carried out by the test garage. This is booked in the normal way.
    - (iii) Your attention is drawn to the warnings at the foot of the suspension notice.
- (c) The roadside check carried out on a vehicle, because of practical difficulties, is unable to cover all items normally examined at a full test. The list of defects given to you only serves as justification for the issue of a suspension notice.
- (d) When a vehicle is re-examined at the test garage, a full, normal test will be carried out
- (e) When a vehicle passes, the tester will issue an MOT certificate, this must be taken to the Council Licensing Office before the suspension can be lifted.

#### **4.32 Transfer of Ownership of Vehicles**

Where the ownership of a licensed vehicle is transferred, the Council must be informed by the person listed as owner by the Council of this within 14 days, stating the name and address of the



new owner (Section 49 LG(MP)A).

#### **4.33 Taximeter**

A Hackney Carriage Vehicle shall NOT be operated until:-

- (a) The taximeter has been set to display a fare not exceeding the maximum fare rate set by Boston Borough Council;

and

- (b) The taximeter has been previously tested for accuracy and sealed by the test garage and a meter inspection report lodged with the Council.

Any person who –

- (a) Tamper with any seal on any taximeter:

or

- (b) Alters any taximeter with intent to mislead, shall be guilty of an offence.

#### **4.34 Rights of Appeal to the Magistrates' Court**

There are rights of appeal against a Council's refusal to issue a licence and against conditions attached to the grant of a licence. Rights of appeal also exist where a licence is suspended or revoked. An appeal must be lodged at a Magistrates' Court within 21 days from the notice of refusal, revocation or suspension of a licence.

#### **4.35 The Carriage of Guide, Hearing and other Assistance Dogs in Hackney Carriage Vehicles**

Section 37 of the Disability Discrimination Act 1995 places a duty on hackney carriage drivers to carry guide, hearing and other prescribed assistance dogs accompanying disabled people, and to do so without charge. A hackney carriage driver who fails to comply with the duty to carry guide, hearing or other prescribed assistance dogs will be guilty of an offence and liable to a fine not exceeding level 3 (currently £1,000) on the standard scale of conviction(s).

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

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

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

A driver who has been issued a certificate of exemption, must exhibit a notice in the hackney carriage vehicle. Any person who with intent to deceive, forges, alters or lends an exemption document to any other person is guilty of an offence. Any person who is aggrieved by the Council's refusal to issue an exemption certificate has a right of appeal against the decision to a Magistrate's court within 28 days of the date of refusal.

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

Section.

## **5. FARES**

### **5.1 Journeys which begin and end within the Boston 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, other than permitted additions where the meter is not capable of taking these into account.

### **5.2 Journeys which begin or end outside the Boston 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 (Section 66, LG(MP)A).

### **5.3 Hackney Carriages used for Private Hire**

Hackney Carriages when used for Private Hire within the Boston Borough Council area must charge from the point of pick up, to the point of drop, and use the meter. The fare charged must not be greater than the Hackney Carriage fare rate set. (Section 67, LG(MP)A)

NB: What must be noted is that for whatever type of journey, the taximeter must be in operation during the hiring even if the fare has been negotiated.

### **5.4 Charging Separate Fares**

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

- (a) 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 the request, and:-
  - (i) If the journey begins and ends in the Boston 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; or
  - (ii) If the journey begins or ends outside the Boston 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.
  - (iii) 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 in a position to decide what to charge each passenger. The passengers themselves must apportion the fare between themselves; or
- (b) (i) All the passengers carried on the occasion in question booked their journey in advance; and
- (ii) Each of them consented, when booking this journey to sharing the use on that occasion with others on the basis that a separate fare would be payable by each passenger for their own journey on that occasion (Section 11, TA 1985).



## **6. HACKNEY CARRIAGE BYELAWS**

1. Throughout these Byelaws "the Council" means the Council of the Borough of Boston and "the district" means the Borough of Boston aforesaid.

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him/her in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;
- (b) A proprietor or driver of a hackney carriage shall -
  - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

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

3. The proprietor of a hackney carriage shall -
  - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
- 4.(1) The proprietor of a hackney carriage shall cause it to be provided with a taxi meter so constructed, attached and maintained as to comply with the following requirements -
  - (a) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
    - (i) The words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least 4cm in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
    - (ii) When the flag or other device is so locked the machinery of the taxi meter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
    - (iii) When the flag or other device is so locked that the aforesaid words are



horizontal and legible no fare shall be recorded on the face of the taximeter.

- (b) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-
    - (i) The taxi meter shall be fitted with a key or other device the turning of which will bring the machinery of the taxi meter into action and cause the word "HIRED" to appear on the face of the taximeter.
    - (ii) Such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter.
  - (c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the byelaw in that behalf for the hire of the carriage by distance.
  - (d) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
  - (e) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
  - (f) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliance.
- (2) The proprietor of a hackney carriage provided with a taxi meter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:-
- (a) The sign shall bear the words "FOR HIRE" in plain letters at least 4cm in height;
  - (b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.
5. The driver of a hackney carriage shall -
- (a) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
    - (i) When standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
    - (ii) As soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring.
  - (b) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-
    - (i) When standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of these byelaws so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;
    - (ii) As soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by



- persons outside the carriage;
- (iii) As soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose 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.
- (c) Cause the dial of the taxi meter 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 Transport Lighting Act, 1957, and also at any other time at the request of the hirer.  
(\*Now defined by the Road Traffic Act, 1972)
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired -
- (a) proceed with reasonable speed to the stand fixed by the byelaw in that behalf and unless, at the time of his arrival, the stand is already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- (b) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
- (c) Whilst at a stand not take a fare prior to the carriage or carriages in front having left the stand.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, 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 the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place, shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.



14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage -
- (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

#### **Provisions fixing the stands of hackney carriages**

15. Hackney Carriage Stands are now appointed under Section 63 of the Local Government (Miscellaneous Provisions) Act, 1976.

#### **Provisions fixing the rates or fares as well as for time and distance to be paid for hackney carriages within the district, and securing the due publication of such fares**

16. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed; such fare to be inclusive of value added tax.

Provided always that the proprietor or driver of a hackney carriage shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised which it may not be possible to record on the face of the taxi meter.

- N.B. Table of Fares - Hackney Carriage Fares are now fixed under Section 65 of the Local Government (Miscellaneous Provisions) Act, 1976.

#### **Fares for Distance**

17. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

18. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
19. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him/her -
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
  - (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.
  - (c) OR carry it as soon as possible to a Police Station and deposit the property with the Police



## **7. REGULATORY AND APPEALS COMMITTEE**

The Authorised Officer is delegated by the Council to grant hackney carriage and private hire licences where the applicant fulfils the basic qualifications. However, should in their opinion, there be any doubt as to whether the applicant is a “fit and proper person”, an application will not be granted under delegated powers. That application may then be pursued to the **REGULATORY AND APPEALS COMMITTEE**. Generally speaking the Authorised Officer will not grant an application which contains a declaration of a conviction(s) involving dishonesty, indecency, violence or a disqualification from driving and which is not clearly covered by the Council’s guidelines relating to the relevance of conviction(s).

**The general procedure for applications which are pursued to the committee is as follows:**

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

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





## 8. TAXI STANDS IN THE BOROUGH OF BOSTON

<u>LOCATION OF TAXI STAND</u>	<u>NO. OF VEHICLE SPACES</u>
Bond Street, Boston (Near to the Bus Station)	3
Market Place, Boston	13
Station Approach, Boston (Adjacent to the Railway Station)	5
Wide Bargate, Boston (Opposite to the junction of Park Gate)	5

The above list shows the location and number of taxi stands. You should note that both the location and number of spaces may be subject to review and revision at a later date.



#### **4. MEETING THE NEEDS OF DISABLED PASSENGERS – ADVICE FOR TAXI DRIVERS**

Hackney carriage are an invaluable means of door-to-door transport for many people. For a large and growing number of elderly and disabled people, they are quite literally a lifeline. Often hackney carriage provide the only means of accessible local transport, or the only accessible link to long distance transport, for example, by rail or air. In fact, they are the most flexible form of public transport there is.

You may have a vehicle which has been designed to make travelling easier for many elderly and disabled people, including those who use wheelchairs. But the vehicle design is only part of the answer. **Your attitude and understanding are vital.** If you are not sure how to help or if you are not willing to help elderly or disabled passengers you may lose a significant potential market and they will have lost an invaluable source of independent mobility. Here is some basic advice to help you give the best service to your passenger and get the best from your vehicle. Disability comes in many forms – some visible, some invisible. Never make assumptions. Always ask what help (if any) a passenger may need from you. Make sure you are familiar with any access and safety equipment in your vehicle. It is a condition of a multi-seater hackney carriage vehicle licence that at all times the vehicle be capable of carrying a disabled passenger whilst seated in their wheelchair. Ramps must therefore be carried at all times. You have a responsibility to know how to use them safely and correctly. If the passenger is a wheelchair user and you drive a wheelchair accessible vehicle you should always:-

- Pull up as close as possible to the kerb;
- Ask if they would like to use the ramps;
- If necessary, tip up the back seat (in a London style cab) to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacturer, or conversion team. In the case of a London style cab this position will be facing to the rear of the vehicle. In the case of wheelchair accessible vehicles which have been specially converted for the purpose of conveying wheelchairs, you should follow the converter's recommendations. **Any other travelling position is unsafe;**
- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving your customer;
- Secure the wheelchair and suggest that the passenger also uses the seat belt provided (they may need your help with this);
- If it has been raised, lower the back seat in a London style cab, if the passenger would prefer it;
- Avoid sudden braking or acceleration;
- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once it is unloaded;
- Leave the passenger in a safe and convenient place which enables them to move away independently.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Remember, many disabled people who have mobility difficulties will not use a stick or



crutches. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:-

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into the vehicles. Ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey;
- Offer the use of the swivel seat (if you have one);
- Be ready to help but do not insist in helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist;
- If you have used the swivel seat, make sure it is locked back in position once inside the vehicle. If the passenger is blind or partially sighted, ask what assistance they require and always:-
- Look out for the “TAXI” sign which is held out by some blind or partially sighted people in order to hail a cab;
- If you are collecting a blind or partially sighted passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and hoot your horn;
- Tell your passenger whether they are entering a saloon car or purpose built cab;
- Demonstrate which way the doors open;
- If possible, place the blind person’s hand on the open door and indicate the position of the roof;
- Make sure they know which way the vehicle is facing;
- Make sure they are seated and have secured the seat belt (where applicable) before you move off. They may like help with the belt;
- Advise them if there is a hold-up or diversion;
- Tell them the fare and count out the change;
- Set them down in a safe place and make sure they know where they are going. If they would like to be accompanied to the entrance of a building, offer them your arm; gripping just above your elbow will enable them to be guided more easily;
- Remember assistance dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a assistance dog, will be in contravention of the Disability Discrimination Act (unless the driver holds the relevant certificate of exemption). In saloon cars, there is more room for the dog on the floor in the front of the vehicle;

If the passenger is deaf or hard of hearing, always:-

- Look at them when you are speaking. Speak clearly – but don’t shout;
- Always have a pad of paper and pen handy as it is sometimes easier to communicate in writing;
- Make sure that they are aware that you have understood their instructions and that you know where you are going.

#### **Maintenance of Vehicles:**

- Keep door handles, locks and hinges well oiled. This reduces the amount of physical (often painful) effort required to operate them.

If you drive a purpose built vehicle, make sure you know how to use the equipment. For example, you should know the correct way to secure and load a wheelchair and to operate the swivel seat for vehicles such as the London style Fairway or Metrocab models. In the case of vehicles specifically converted for the conveyance of wheelchairs, methods vary according to the conversion, therefore, you should consult your conversion specialists.



*This guidance is based upon the leaflet “Advice for Taxi Drivers – Meeting the Needs of Disabled Passengers” produced by the Disabled Persons Transport Advisory Committee (DPTAC). The guidance includes details regarding vehicles which meet the Metropolitan Conditions of Fitness (London style cabs) and the use of swivel seats. At the time of writing both were not prevalent within the Boston hackney carriage fleet. Given the provisions contained within the Disability Discrimination Act, however, it was considered prudent to include the details for possible future reference.*



**DIMENSIONS AND ABILITY OF VEHICLES TO BE LICENSED AS  
HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

**Steering**

The steering wheel should be on the offside.

**Doors**

All doors must be capable of being opened from the inside. Saloon cars must have four doors, being two on each side of the vehicle, a rear hatch/door not being accepted as one of the four doors. Minibuses/People Carriers/Converted van type vehicles without a nearside door are not acceptable. Furthermore multi-seater vehicles must have at least four doors; if the rear door is to be used for access and egress then access to this must be direct and not be blocked by a line of seats. Doors should open to an angle of at least 80% to the body of the vehicle; except in the case of sliding doors.

**Engine Size**

The acceleration and braking capabilities should match the engine and carrying capacity of the vehicle.

**Seat Width**

The size requirement is 40cm (approx. 16") per person. The distance should be measured in a straight line lengthwise at the widest point of the front half of each seat. The distance for 3 persons of 120cm (approx. 48") should be taken between the armrests as these can in some cases significantly reduce the width. Further to this a height of 85cm (approx. 34") between seat and roof and 18cm (approx. 7") from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.

**Seating Arrangements**

The maximum number of passenger seats allowed is 8 and all should have direct access to a door without the need to climb over the rear of any seat. Tip-up seats or seats which require the back to be lowered will only be permitted when giving access to the side doors of multi-seater vehicles (seats of this type giving access within saloon and estate vehicles will not be permitted). Bench type seating will not be permitted. Seats must not be sideways to the direction of travel and all should comply with current seat belt regulations. The minimum number of passengers that a vehicle should be capable of carrying whilst complying with the above seat width provision is 4.

**Luggage**

The vehicle must be able to carry a reasonable amount of luggage (safe from inclement weather). Luggage should be stored securely and not in such a way as to hinder access to a door.

**Vehicle Licence Requirements**

Where there are standard conditions annexed to vehicle licences relating to the condition and fitness or appearance of a licensed vehicle the vehicle must comply with these conditions.

## **WHEELCHAIR ACCESSIBLE VEHICLES**

**Hackney Carriage Vehicle Licences will not be issued to vehicles being presented to be licensed to carry 5 or more passengers unless such vehicles are immediately wheelchair accessible (i.e. the vehicle must be capable of accommodating a disabled passenger whilst seated in their wheelchair). The requirement to remove seats in order to accommodate a wheelchair will not be accepted; seats which fold to allow a wheelchair to be accommodated will be accepted.**

This Authority's minimum requirements with regard to a wheelchair accessible vehicle are:-

- (a) That it can accommodate a disabled passenger whilst seated in their wheelchair (there must be adequate headroom for the passenger). For this purpose a "wheelchair" is a reference wheelchair as defined in The Public Service Vehicles Accessibility Regulations 2000.

The dimensions for a reference wheelchair are defined as having

total length of 1200mm, including extra-long footplates  
total width of 700mm  
sitting height (from ground to top of head) of 1350mm  
height of footrest above floor of 150mm

- (b) That the rear/side door used for wheelchair access must be capable of opening as wide as the aperture. A single rear door must be open to a minimum of 90 degrees and for twin rear doors both must open to a minimum of 90 degrees.
- (c) The doorway should provide a minimum of 1220mm in its central third measured from the upper centre of the aperture to a point directly below on either the upper face of the fully raised lift platform or the upper face of the ramp fully deployed on ground level . The door aperture must be wide enough to accommodate a reference wheelchair and have a minimum width of 740mm of unobstructed space.
- (d) There should be sufficient space within the vehicle to accommodate a reference wheelchair. The floor area required for the wheelchair should be at least 750mm x 1250mm with minimum headroom over the area of 1350mm. There must be sufficient space, where applicable, to turn the wheelchair.
- (e) All wheelchair tracking must be fit for purpose and structurally sound.
- (f) A 3 point system for securing the occupant in the wheel chair and a system for effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair space. Wheelchair anchorage systems and devices must conform to European Directive 76/115 EEC (as amended). Additional hand-holds and a step should be provided
- (g) Either a purpose designed wheelchair access ramp or a purpose designed wheelchair lift must be provided.

- (h) Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The ramp shall have visible reference to a safe working load of at least 250kgs. Ramps must be capable of being securely fitted when in use and securely installed in the designated storage area at all other times. Ramps must be free from damage, deformity and sharp edges etc. Ramps must be provided with an anti-slip covering. Ramps shall be indelibly marked with the vehicle registration number\*.
- (i) Any purpose designed wheelchair lift shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). A report, confirming that the lifting equipment is safe to use shall be presented at the time the annual and 6 monthly vehicle inspection certificate is provided to the council. Vehicles will require a certificate that is valid for a period of 6 months from the date of issue. The lift must be capable of being secured in a suitable and satisfactory position when the vehicle is in motion.
- (j) Vehicles shall comply in all respects, and at all times, with current road traffic legislation.
- (k) Vehicles shall comply with the European Community M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least 4 wheels designed and constructed for the carriage of passengers.
- (l) Vehicles that have been originally classified as complying with M1 type approval but have undergone modifications or conversions since original manufacture will be considered suitable provided they are presented with the relevant National Small Series Type Approval (NSSTA) or Individual Vehicle Approval (IVA) certificate or equivalent issued by the Driver and Vehicle Standards Agency (DVSA).
- (m) Any wheelchair accessible vehicle originally given European Community N type approval will be considered unfit for the purpose and will not be considered suitable to be licensed. The definition of a category N type approval is any motor vehicles with at least four wheels designed and constructed for the carriage of goods.

Grandfather rights will apply to **wheelchair accessible** vehicles already licensed by the date on which this policy comes into effect. They will be allowed to continue until the end of their useful life, subject to their compliance with all relevant test and inspection requirements.

Once a vehicle licence has expired then Grandfather rights will no longer apply. Applicants wishing to re-licence that vehicle in the future will be required to adhere to the Wheelchair Accessible Policy requirements.

Vehicles which have been licensed for private hire and not identified as wheelchair accessible must adhere to the above Wheelchair Accessible Policy if they wish to be licensed as a Hackney Carriage Vehicle.

\*Grandfather rights do not apply with respect to requirement that ramps are indelibly marked with the vehicle registration number.

(adopted 26 September 2017).

**GUIDANCE FOR HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS AND PROPRIETORS PERMITTING AUTHORISED TRAILERS**

No trailer of any description shall be attached to the licensed vehicle, except in accordance with a written authorisation issued by the Council. Any trailer shall be provided and used in accordance with the Council's Guidance for Hackney Carriage / Private Hire Drivers and Proprietors.

- 1) Each trailer will be authorised for use with one nominated licensed vehicle only. Any trailer must be presented for **inspection by a certified MOT garage within the Borough of Boston** prior to its first use and again at each inspection of the vehicle with which the trailer is authorised to be used. The trailer must be presented with the vehicle for which its use is authorised. This will ensure that the vehicle, trailer and its attaching mechanism are fit, safe and suitable for use.
- 2) The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use. This condition is to prevent proprietors/drivers using the trailer unnecessarily and causing greater congestion on the roads. Licensed vehicles with trailers are not permitted on the Hackney Carriage Rank at any time.
- 3) The trailer must be of a suitable size to carry excess baggage for the number of people the vehicle is authorised to carry and no larger.
- 4) The trailer must comply with all aspects of current legislation and be of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle. This is to ensure that the vehicle with trailer remain fit, safe and suitable for purpose.
- 5) The vehicle must be suitable for towing the intended trailer. This will ensure that the vehicle has an engine large enough to tow the trailer, the brakes are powerful enough to stop the vehicle and trailer safely and that the Gross Trailer Weight (GTW) does not exceed the Towing Capacity of the towing vehicle.
- 6) The trailer must have affixed to it a manufacturer's plate specifying the manufacturer's name and address, the chassis and serial number, the number of axles, maximum weight per axle, nose weight of the coupling, maximum gross weight and the date of manufacture. From 1 January 1997 the Road Vehicles (Construction and Use) Regulations 1986, Regulation 71A, states that trailers with a maximum design weight not exceeding 750Kgs must be fitted with a plate displaying their year of manufacture in a clearly visible position.
- 7) Unbraked trailers must not exceed 750kgs gross trailer weight or half the towing vehicle's kerb weight. This is to comply with the law in relation to vehicle, trailers and their weights.
- 8) Unbraked trailers (manufactured from 1 January 1997) must have a secondary coupling that will provide some residual steering in the event of an unplanned uncoupling. This device should also prevent the ball coupling hitting the ground in similar circumstances. It must be connected to the towing vehicle when the trailer is being towed. This is to prevent any unnecessary accidents.



- 9) Braked trailers must be fitted with a parking brake that operates on at least two road wheels on the same axle. At all times it must be capable of being maintained in operation by direct mechanical action without use of hydraulics, electric or pneumatic systems ie push rod or cable action. The efficiency of the handbrake must comply with EEC Directive 71/320/EEC.
- 10) An emergency breakaway cable must be fitted to the parking brake linkage and the other end clipped or fixed round a fixture on the towing vehicle so that, in the event of the trailer becoming detached from the towing vehicle, the cable applies the parking brake automatically before snapping itself.
- 11) All tow bars fitted must be of a type approved by the manufacturer of the vehicle and fitted by an approved agent. This is to ensure that untested tow bars are not fitted to vehicles.
- 12) Trailers must have on the rear, two red sidelights, two red stop lamps, an illuminated number plate and two triangular red reflectors plus indicators designed to flash between 60 and 120 times per minute. All lights must be kept in working order. If more than 1.3metres wide, they must also have at least one red fog lamp. This is to comply with the requirements of the Road Vehicle Lighting Regulations 1989.
- 13) All trailers built after 30 September 1990 require front reflectors.
- 14) No advertising will be permitted on any part of a trailer. This is to comply with current standards and conditions applicable to private hire and hackney carriage vehicle licensing.
- 15) The trailer must be fitted with securely fastening covers, which can be hardtop or canvas tarpaulin type. This is for safety reasons and drivers should ensure that any luggage is securely fastened so as not to present any danger to other road users, passengers or damage to the luggage.
- 16) When the trailer is used with the licensed vehicle, the licence plate issued by the Council, specifically for that trailer, shall be clearly displayed on the trailer. The details provided on this plate refer to the vehicle it is to be used with and not the trailer itself. This is so that the vehicle can be identified from the rear and also to comply with legislation. The cost of the plate will be the same as that for vehicle plates.
- 17) A spare wheel for the trailer must be carried whilst the trailer is in use so that in the event of a puncture the journey would not be delayed any longer than necessary. Space saver type spare wheels are not permitted.
- 18) The vehicle must be insured to tow the trailer.
- 19) A charge will be made payable for the inspection of the trailer which will be recouped from the proprietor of the vehicle.
- 20) A licensed driver will be permitted to tow a trailer whilst driving a licensed vehicle provided that:
  - i) the driver holds the appropriate category on his DVLA licence;
  - ii) it is the proprietor's/vehicle licensee's responsibility to ensure that the trailer towed by his vehicle complies with the legislation and the Licensing Conditions;



- iii) it is the proprietor's/vehicle licensee's responsibility to ensure that the driver towing the trailer holds the appropriate category DVLA licence.

This policy is to ensure the driver and vehicle owner complies with the law and other legal requirements.



## **HACKNEY CARRIAGE VEHICLE TEST ARRANGEMENTS**

### **Hackney Carriage Vehicle and Meter Tests**

All vehicle/trailer MOT tests can be carried out at any approved MOT testing station provided it is within the Borough of Boston.

### **Condition of Vehicle**

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

ALL vehicles for all tests must be:-

- (a) Fitted with an approved fire extinguisher securely fixed in such a position as to readily available for use.
- (b) Fitted with an approved taxi meter set to a fare not exceeding the maximum fare rate, which will be tested for accuracy over a measured distance.
- (c) Fitted with an approved "FOR HIRE" sign or flag which meets the requirements set down in Boston Borough Council's Hackney Carriage Byelaws.
- (d) Fitted with a taxi roof sign which can be illuminated and meets the requirements set by the Council.

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

Be fitted with the identification plate, issued by the Council, in the correct place, and display the Council's fare card.

The tester may refuse to test a vehicle, which in his opinion is unsafe, or dangerous.

### **Driver of Vehicle**

The driver must remain on the tester's premises whilst the test is being carried out and answer any questions. The driver is not allowed in the test bay without the express consent of the tester.

### **Vehicle Fails the Test**

The driver will be informed of the reasons for failure.

A re-test will have to be subsequently carried out on the vehicle, this must be arranged through the Testing Centre.

**HACKNEY CARRIAGE VEHICLE TEST - REQUIREMENTS IN  
ADDITION TO THE MOT TEST FOR CLASS IV VEHICLES**

All vehicles, which apply for Hackney Carriage Vehicle status in the Borough of Boston, must adhere strictly to the following specification, which is required in addition to the vehicle passing the twice-yearly inspection to Department of Transport (MOT Test standards).

**BODYWORK (Exterior)**

**General Condition**

All bodywork must be in good condition and have no visual signs of surface rust showing. All bodywork panels must be free from dents and surface damage.

**Paintwork Condition**

All paintwork must be in good condition and where there is a requirement to replace doors, boot, bonnet or any body panels these must be returned to the original colour of the vehicle before fitting prior to any inspection.

**Registration Plates**

Registration plates must be complete, clean and free from any damage.

**Mirrors, Windows, Glass, etc**

All lights, windscreens, windows, direction indicator lenses, reflectors and mirrors must be complete, serviceable, clean and free from any damage. All windscreens and windows must comply with regulations concerning visual transmission of light and free from obstruction to vision and are to be kept clean. Windscreen wipers and washers must be maintained in effective working order at all times.

**BODYWORK (interior)**

**Seats and Upholstery**

All vehicle interiors, including seats and upholstery, must be in good condition, free from damage, well sprung and be smart in appearance.

**Floor Condition**

The floor must be sound and covered by adequate carpets or mats. The floor covering should not be so badly worn as would be likely to cause danger to passengers.

**Seat Belts**

All seat belts, anchorages, fastenings and adjusting devices must be maintained free from obvious defects and kept in good working order.

**Panel and Interior Lights**

The speedometer should be in working order and be correctly illuminated. All interior and passenger lights, where fitted, should be operative.

**Doors and Locks**

All doors should open and close easily both from the inside and outside. All doors when shut must be secure. The boot should open easily from the outside.

**Window Openings**

All windows should open and close by the use of winders or otherwise where fitted.



## **Tyres**

All road wheels and tyres must be the same size except where different sized front and rear wheels and/or tyres are fitted to the vehicle by the manufacturer as standard. (This does not apply when using a space-saver wheel in the circumstances detailed below).

The use, in emergencies only, due to puncture, wheel damage or similar, of a space-saver wheel, run flat tyre(s) (when punctured) or puncture repair kits is permitted for vehicles that are manufactured and delivered with such tyres or kits as standard.

In the event of a space-saver tyre, run flat tyre(s) (when punctured) or puncture repair kit being used, it is only to complete a fare and precise compliance with the manufacturer's recommendations is required. Any such space-saver tyre, run flat tyre (when punctured) or tyre that has been subject to use of a puncture repair kit must be replaced prior to taking another fare.

In cases where a rear loading wheelchair accessible conversion or an LPG conversion where the tank occupies the usual site of the spare wheel is considered suitable to be licensed, the vehicle will be considered exempt from the requirement to carry a spare wheel matching those fitted to the vehicle. This would be subject to the vehicle meeting the luggage criteria and being approved by specialist converters. In these instances a space-saver tyre or puncture repair kit must be carried in the vehicle for use in the event of the above mentioned emergencies only and must be used precisely with the manufacturer's recommendations.

All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle.

Space-saver tyres and full size spare wheels must have a legal tread depth, be kept inflated to the correct pressure and be free from cuts, bulges and any defects. An appropriate means of changing the wheel must also be carried.

## **Exhaust System**

The exhaust system must be complete, efficient and not produce any excess noise and smoke.

## **Fire Extinguisher**

The vehicle must be fitted with a fire extinguisher (in proper working order) securely fixed in such a position as to be readily available for use.

## **Taxi meter**

The taxi meter must be capable of being illuminated during hours of darkness and be firmly secured. It must be set to the correct fare rate.

## **“For Hire” Sign or Flag**

The vehicle must be fitted with a “FOR HIRE” sign or flag which meets the requirements set down in the Council's Hackney Carriage Byelaws.

## **Roof Sign**

The vehicle must be fitted with a taxi roof sign, which can be illuminated. The roof sign must prominently display the word "TAXI" or "HACKNEY CARRIAGE" to the front of the vehicle and the lettering must be at least 4 cm in size and be of a neat and consistent standard. Such a sign together with the “For Hire” sign must not illuminate when the taxi meter is in the HIRED mode.

**Fare Card**

The Council's fare card must be displayed in such a position as to be easily seen by all passengers.

**Exterior Council Plate**

The vehicle must be fitted with the identification plate issued by the Council. The plate should be attached to the rear of the vehicle, below window level in a vertical plane (as near as possible) facing to the rear, with none of the plate concealed whatsoever. The size of the plate must not be altered.

**Council Plate Number in Interior**

The plate number must be displayed inside the vehicle.

**Fire Extinguisher**

The fire extinguisher must be indelibly and clearly marked with the Council vehicle plate number (issued in respect of the vehicle).



## **DISCLOSURE(S) FROM THE DISCLOSURE & BARRING SERVICE**

### **APPLICANTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS' LICENCES**

Full details are available on request. The following is a précis -

***As Boston Borough Council meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, all applicants for a hackney carriage or private hire vehicle driver licence will be subject to a criminal record disclosure from the Disclosure & Barring Service (DBS) before a licence is granted. This will include details of cautions, reprimands or final warnings, as well as conviction(s)***

#### **SCOPE**

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

#### **DISCLOSURE & BARRING (DBS) DISCLOSURE**

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

#### **LEAD COUNTER SIGNATORY**

3. An officer in the Council will take responsibility for use of the Disclosure Service. He or she will be responsible for overseeing the operation of the disclosure procedure within the authority and act as the principal point of contact with the DBS.

#### **ROLES OF THE COUNTER SIGNATORY**

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

#### **PROCEDURE**

5. DBS Disclosures form an integral and important part of the licensing procedures. Other checks, however, to establish a person's integrity and fitness to hold a licence to drive a hackney carriage or PHV will be carried out, and attempts may be made to account satisfactorily for any unexplained gaps in residential addresses.
6. In considering applications from potential licence holders the Council are aware that applicants have to reveal offences which are spent under the Rehabilitation of Offenders Act 1974, and

these may be included in any record provided by the DBS. The Council reserves the right to act as a judicial authority in the case of spent conviction(s) involving serious offences (i.e. death by dangerous driving, drugs, violence, sexual offences or offences of a habitual nature). This means that, the Council may take these into account when they come to light.

7. An applicant will be required to undertake a DBS Disclosure. He/she will be informed in writing when a Disclosure is required.

The Boston Borough Council area is predominately a rural area with limited public transport options. Vulnerable adults and persons under 18 regularly use hackney carriage and PHVs as a means of transport. The logistics of the area are such that these journeys will often be in the early hours of the morning or late at night and be unsupervised. Licensed vehicles are regularly used by parents, guardians, schools and welfare organisations as a means of transporting persons under 18. Furthermore, legislation is such that when waiting on a taxi rank a hackney carriage driver is unable, without reasonable cause, to refuse a hiring from a person under 18. When plying for hire hackney carriage drivers are therefore not in a position to decline a hiring from young persons. The majority of hackney carriage and private hire hiring's will be unsupervised, placing the driver in a position of trust. When entrusting young persons to the care of licensed drivers, the public expect those drivers to have been through rigorous checking procedures. They expect the licensing system to ensure a high level of protection. For these reasons the Council are of the opinion that a DBS Disclosure is required.

8. The Council will make every effort to confirm the identity of the applicant before the DBS are asked to process a Disclosure. Verification of identity, date of birth, address and any change of name will be obtained. Incomplete or incorrect identification details may invalidate the DBS Disclosure.

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

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

9. When a DBS Disclosure is required, the Council using the official Disclosure Request Form will send the request to the DBS. However, the costs are the responsibility of the applicant.
10. The DBS will reply to the applicant either indicating that there is no trace on DBS records of a record which matches the details provided, or that those details appear identical with the person whose record will be attached. The record will contain details of all convictions recorded nationally against that person.
11. It should be noted that the DBS record will not include details of motoring conviction(s). Such information under separate arrangements will be obtained from the Driver and Vehicle Licensing Agency. This will be provided on receipt of a written request, which must include the subject's driver number. The information given will include endorsement/disqualification details.



12. Where the information provided by the DBS differs from that provided by the applicant, and is of significance, the nominated counter-signatory will discuss the discrepancy with the applicant before reaching any final decision in which the nature of the information received is a factor.
13. It is noted that applicants themselves may reveal certain minor convictions or cautions which are not recorded in the national collection of criminal records and, therefore, not included in the convictions provided by the DBS. In general, corroboration of such convictions or cautions will not be sought from the DBS.
14. A person who believes the information provided by the DBS is incorrect and who wishes to make representations to the Council regarding the matter, may do so. Applicants should approach the DBS if they think a mistake has been made on a disclosure.
15. Information as to how your personal information is handled can be found via the DBS Code of Practice at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/474742/Code\\_of\\_Practice\\_for\\_Disclosure\\_and\\_Barring\\_Service\\_Nov\\_15.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/474742/Code_of_Practice_for_Disclosure_and_Barring_Service_Nov_15.pdf).

Hard copies can be provided on request from Taxi Licensing.

## **CHECKS ON PERSONS ALREADY IN POSSESSION OF HACKNEY CARRIAGE / PHV DRIVERS' LICENCES**

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

The Council will not cover the cost of Disclosures in respect of first time and **subsequent DBS checks in line with the Policy requirements** ~~renewal applications~~ for a licence. Should a licence holder refuse to co-operate with a request to produce a Disclosure, then the Council will take action accordingly, which could lead to the revocation or suspension of a licence.

## **USE OF INFORMATION**

17. The fact that a person has a criminal record or is known to the police does not necessarily mean that he or she is unfit to hold a driver's licence. The Council will make a balanced judgement about a person's suitability taking into account only those offences, which are considered relevant to the person's suitability to hold a licence. A person's suitability will be looked at as a whole in the light of all the information available.
18. In deciding the relevance of conviction(s), the Council will bear in mind that offences, which took place many years in the past, may often have less relevance than recent offences. Similarly, a series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction(s). In any event the importance of rehabilitation will be weighed against the need to protect the public.

19. In order to ensure consistent and fair treatment when determining whether or not criminal convictions render an applicant unsuitable to hold a licence, the Council have drawn up detailed policy guidelines containing general criteria against which applications may be considered.
20. Where it is discovered that a driver, licensed prior to implementation of the Criminal Records Bureau (now DBS), had failed to disclose past conviction(s), the Council will consider carefully whether they should now refuse to re-grant the driver licence. In most cases, if those convictions are such that they would now lead to the refusal of a licence, refusal will be considered. If, however, previously unrevealed convictions are discovered which would not now disqualify the individual from holding a license, consideration may be given to granting it.

### **APPEALS**

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

### **STORAGE AND DESTRUCTION OF RECORDS**

22. Any information the DBS supply will be of a sensitive and personal nature. It will be used only in connection with the application, which gave rise to the request for a Disclosure to be made. The Lead Counter Signatory must ensure it is kept securely while the licensing process takes its course and that the information is not kept for longer than is necessary. An indication made on the Council's own record that a DBS disclosure has been carried out may be made but this will not refer to specific offences.

### **CHECKS ON APPLICANTS FROM OVERSEAS**

23. The council will expect persons who have lived overseas for more than 6 3 months to provide a certificate of conduct or equivalent from the country of residence.

### **HACKNEY CARRIAGE AND PHV DRIVERS UNDERTAKING CONTRACT HIRE WORK**

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

### **MONITORING**

25. Where possible the Council will collate the following information in respect of DBS Disclosures:
  - Number of DBS disclosures requested in respect of taxi applicants;
  - Time taken to receive disclosures, and
  - Any apparent difficulties with these arrangements, including the resource implications;

**BOSTON BOROUGH COUNCIL  
APPLICATION POLICY AND GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS  
HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND PRIVATE HIRE OPERATORS**

**1. Introduction**

- 1.1 The purpose of this policy is to provide guidance on the criteria which are taken into account by the council (Licensing Authority) when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver licence. The policy also relates to applicants for a private hire vehicle operator licence and holders of a current private hire operator licence.
- 1.2 In drafting and adopting these guidelines, the Licensing Authority took into consideration the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards issued in July 2020.
- 1.3 The purpose of setting guidelines and standards is to protect children and vulnerable adults, and by extension the wider public, when using hackney carriage and private hire vehicles.
- 1.4 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person.
  - That the person does not pose a threat to the public.
  - That the public are safeguarded from dishonest persons.
  - The safeguarding of children, young persons and vulnerable adults.
  - That the policy ensures fair access, eliminates unlawful discrimination and promotes equality in line with the Public Sector Equality Duty and the 'protected characteristics' - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- 1.5 This policy provides guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:
- Applicants for driver and operator licences
  - Existing licensed drivers and operators whose licences are being reviewed or renewed.
  - Licensing officers
  - Members of the Regulatory & Appeals Committee
  - Magistrates hearing appeals against local authority decisions
- 1.6 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision whether or not to grant a licence. Should there be any doubt, in the Officer's opinion, as to whether the applicant is a "fit and proper" person, then the application will not be granted under delegated power. Such applications will be referred to the Council's Regulatory & Appeals Committee, or a sub-committee of that committee. The Regulatory & Appeals Committee is made up of elected members (councillors). Whilst officers and the committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits **but it will take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable**

groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. Where the circumstances warrant, the committee or officer may depart from the guidelines. The reasons for departing from the guidelines must be recorded in the decision.

## 2. General Policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example, where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness. However, the overriding consideration should always be the protection of the public.
- 2.2 A person with a relevant conviction need not be automatically barred from obtaining a licence, but would be expected to show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 A series of offences over a period of time is more likely to give cause for concern than an isolated, minor conviction. A serious view will be taken when an applicant shows a pattern of offending and/or unfitness.
- 2.4 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)] or determine that the applicant should never have been convicted.
- 2.5 A person with a conviction(s) for sexual offences or **connected with illegal sexual activity** or any other serious crime will not normally be issued with a licence.
- 2.6 The Council generally considers that, on some occasions, offence(s) committed by a licensed hackney carriage/private hire driver may need to be considered more seriously than an offence(s) committed by individuals who are not. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.
- 2.7 **Cautions** – Adult cautions are not regarded as convictions, but being admissions of guilt, may be taken into consideration by the Licensing Authority.
- 2.8 **Private Hire Operators** – In view of the significant responsibility held by private hire vehicle operators in terms of setting standards of their company, recruiting drivers and dealing with members of the public, the operator must be a fit and proper person and an example to those whom he/she employs. Therefore the view of the Licensing Authority is that applicants for a private hire operator's licence (and the holders of a private hire operator's licence) must at least fulfil the same requirements as applicants for private hire driver licences in terms of being free from serious convictions or a pattern of unlawful behaviour.

## 3. Pre-requisites to making an application

- 3.1 It is the policy of the licensing authority that every application for a licence, including applications from existing licence holders, to drive a Hackney Carriage and/or Private Hire Vehicle and be accompanied

by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed) -

- That the applicant has the right to live and work in the country. (All applicants).
- An **up-to-date** Enhanced Disclosure and Barring Services criminal record check and evidence that they are not on a child and/or vulnerable adult barring list. Applicants who have lived overseas for **6 3 (three)** continuous months or more refer to paragraphs 3.2 & 3.3. (All applicants).
- A certificate of their current medical fitness to DVLA Group 2 standard. (See paragraph 3.4)
- A FULL UK or EU driving licence or legal equivalent (if an EU Licence a paper counterpart issued by DVLA must be obtained and produced with the application). (All applicants)
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive. (All applicants)
- That the applicant has a minimum of two year's post qualification driving experience. (Not required for licence renewals)
- The applicant must have satisfactorily completed the Licensing Authority's comprehension test. (Not required for licence renewals)
- In the case of applications for hackney carriage drivers, they have passed the Licensing Authority's knowledge test. (Not required for licence renewals).
- That the applicant has completed the Licensing Authority's safeguarding awareness training. (New applicants and existing applicants prior to their next renewal).
- The applicant has signed a declaration to confirm that they understand the Driver Code of Conduct forms part of the Licensing Authority's Policy. (All applicants)

3.2 It is the policy of the Licensing Authority that every applicant for a licence to drive a hackney carriage and/or private hire vehicle must produce evidence of a current and up to date Enhanced Disclosure and Barring Service (DBS) Check and evidence that they are not on a child and/or vulnerable adult barring list. Applicants for a private hire vehicle operator licence, who do not hold a hackney carriage/private hire driver licence with this authority, will be required to present, at their expense, the result of a current and up to date Basic Disclosure & Barring Service Check. Any enhanced or basic disclosure that is more than 1 month old will not be accepted (except for enhanced disclosures when used in conjunction with the update service and the disclosure was less than 1 month old when first presented for the purpose of obtaining a hackney carriage/private hire vehicle driver licence).

3.3 Before an application can be made, if an applicant has spent ~~six~~**three** continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check, certificate of good conduct or equivalent, obtained for the purpose of applying for a Hackney Carriage or Private Hire Vehicle Driver or Operator Licence with this council, from the country/countries covering the relevant period.

Such criminal record checks/certificates of good conduct must be provided in accordance with the Home Office Document “*Application processes for Foreign National Criminality Information*”. Any criminal record check must be translated into English by a recognised translation service provider that has been agreed by the Licensing Authority.

- 3.4 All applicants making their first application must lodge a certified medical certificate. A medical certificate will then be required every six years thereafter, unless an applicant’s condition warrants examination on a more regular basis.

An applicant aged 65 years or over must undergo the medical examination every year.

As recommended by the Medical Commission on Accident Prevention the authority requires licence holders to attain DVLA Group 2 Vocational Licence Standard.

Any fee charged by the Doctor is payable by the applicant.

A Medical Practitioner who has full knowledge of the applicant’s medical history must carry out the examination.

Where the Medical Practitioner cannot carry out the eye test this part of the medical form must be completed and the form signed by an optician prior to the medical being carried out.

Medical certificate forms and further information can be obtained from the Licensing Section.

Any applicant who does not meet the DVLA Group 2 Vocational Licence Standard can expect to have their application refused.

Licensed drivers who no longer meet the DVLA Group 2 Vocational Licence Standard, either temporarily or permanently, must notify the Licensing Authority forthwith. In such cases the driver can expect to have their licence either suspended or revoked. Guidance on the DVLA Group 2 Vocational Licence Standards is available from the Licensing Authority.

The Council will not normally accept a certified medical certificate submitted with an application, which is received more than 6 weeks after the Doctor has signed the report.

- 3.5 **Licensee self-reporting – Licence holders are required by this Authority to notify the Licensing Team within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope (with the exception of one-off minor traffic offences) will result in a review by this Authority as to whether the licence holder is fit to continue to hold a licence. This will not, however, be seen as a direction that a licence should be withdrawn; it is for the Licensing Authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.**

## 4. Appeals

- 4.1 Any applicant refused a driver’s licence has a right to appeal to the Magistrates’ Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

- 4.2 Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he/she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation. Where suspension or revocation is immediate, on the grounds of public safety, the driver cannot continue to drive a hackney carriage or private hire vehicle during the period of appeal.

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

- 5.1 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a hackney carriage /private hire driver licence if the applicant/licence holder has been convicted of:

- An offence involving dishonesty, indecency or violence; or
- Failure to comply with the provisions of the Town Police Clauses Act 1847; or
- Failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

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

Where it is in the interests of public safety to suspend or revoke a licence that suspension or revocation can be with immediate effect provided that there are justifiable grounds to do so. The driver will be given a notice of the suspension or revocation which will include a statement that the determination takes immediate effect along with an explanation as to why that is the case.

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

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

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

- 5.4 In this policy the term “disqualification” refers to the period served, to take account of the fact that a period of disqualification from driving may be reduced upon the successful completion of a relevant



driver rehabilitation course. An applicant must provide the Licensing Authority with sufficient evidence to prove that the period of disqualifications was so reduced.

## 6. Consideration of disclosed criminal history

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

All conviction(s), criminal findings of guilt (including fixed penalty ticket(s)), caution(s) and warning(s), whether for motoring or other offences and County Court Judgment(s)/Order(s) (where the judgment or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator) may potentially be taken into account when deciding whether to grant a licence or on a review after the issue of a licence. During the currency of a licence the licensee must immediately after the date of arrest, convictions, criminal findings of guilt (including fixed penalty notice(s)), caution(s) and/or warnings, advise the Licensing Authority of this information in writing.

The Licensing Authority will consider:

- How relevant the offence(s) are to the licence being applied for (or licence being reviewed).
- 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.
- Any other character check considered reasonable (e.g. personal references).
- Any other factors that might be relevant.

6.2 Applicants for a first time licence can discuss what effect a caution/conviction or other sanction may have on any licence application by contacting the licensing office in confidence for advice.

6.3 The licensing authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) from any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information and abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information. Both of these documents are available on request.

6.4 Applicants applying for the grant or a renewal of a drivers' licence and/or operator licence will be required to obtain an enhanced disclosure at their own expense.

6.5 The licensing authority encourages **recommends** applicants and licence holders to register for the DBS's update service and to nominate the licensing authority to receive updates. **All licensed drivers will be required to evidence continuous registration with the DBS update service to enable the Licensing Authority to routinely check for new information every six months. Drivers that do not subscribe to the Update Service will be subject to a DBS check every six months at their own expense.**



- 6.6 DBS certificates obtained for a Hackney Carriage/Private Hire Driver Licence cannot be used for the purpose of obtaining a Lincolnshire County Council School Transport Badge (“Green Badge”) and vice versa. DBS certificates obtained for any other purpose, including a Hackney Carriage/Private Hire Driver Licence with another Licensing Authority, cannot be used for the purpose of obtaining a licence with this Licensing Authority. A separate check is required for each authorisation. However, applicants can register both/all checks with the DBS update service for a single fee.
- 6.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
- 6.8 It is an offence for any person knowingly or recklessly to make a false declaration or to deliberately omit any relevant material in submitting information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence may be refused or revoked.
- 6.9 **In the interests of public safety this Authority will not issue a licence to any individual that appears on either of the regulated activity barred lists – Activity with Children and Activity with Adults.**

## **7 Serious offences involving violence or resulting in death**

- 7.1 Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. ~~An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life unless the circumstances are exceptional.~~ **Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.**
- 7.2 **Where an applicant has a conviction for an offence of violence against the person, 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.**
- 7.3 Given the wide range of the offences that involve violence, consideration will be given to the nature and type of the conviction.
- 7.4 ~~Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:~~

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

- Murder
- Manslaughter
- Any culpable homicide while driving
- Terrorism offences
- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Grievous bodily harm with intent

- Or any offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.

A hackney carriage/private hire driver found guilty of any of the above offences at paragraph 7.4 should expect to have their licence revoked immediately and **not be considered for the grant of a licence until a minimum period of 10 years since convictions (or completion of sentence – whichever is longer) has elapsed.**

7.5 A licence will not normally be granted where the applicant has a conviction for an offence listed below **and the conviction (or completion of sentence – whichever is longer) is less than 10 years prior to the date of application;**

- Actual bodily harm which is racially aggravated.
- Grievous bodily harm
- Robbery.
- Possession of a firearm.
- Riot.
- Assault of a Police Officer
- Common assault which is racially aggravated
- Violent disorder.
- Resisting arrest.
- Or any **similar** offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.
- **or any offence of attempting, committing, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence that will replace the above or be considered as serious as the above.**

A hackney carriage/private hire driver found guilty of any of the above offences at paragraph 7.5 should expect to have their licence revoked immediately and not be considered for the grant of a licence until a minimum period of 10 years since conviction (or completion of sentence if longer) has elapsed.

7.6 A licence will not normally be granted where the applicant has a conviction for an offence listed **below and the conviction (or completion of sentence – whichever is longer) is less than 7 years prior to the date of application;** ~~and the conviction is less than 5 years prior to the date of application:~~

- Racially-aggravated criminal damage.
- Any other racially-aggravated offence.
- Or any **similar** offence (including **attempted or conspiring to commit**), **offences which replace the above.** ~~aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.~~
- **or any offence of attempting, committing, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence that will replace the above or be considered as serious as the above.**

A hackney carriage/private hire driver found guilty of any of the above offences at paragraph 7.6 should expect to have their licence revoked **immediately** and not be considered for the grant of a licence until a minimum period of 10 years since conviction (or completion of sentence whichever is longer) has elapsed.

7.7 A licence will not normally be granted where the applicant has a conviction for an offence **below** and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offence (including attempting or conspiring to commit) offences which replace the above. ~~aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.~~
- **or any offence of attempting, committing, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence that will replace the above or be considered as serious as the above.**

A hackney carriage/private hire driver found guilty of any of the above offences at paragraph 7.7 should expect to have their licence revoked immediately and not be considered for the grant of a licence until a minimum period of 5 years since conviction (or completion of sentence if longer) has elapsed.

7.8 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

7.9 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

7.10 **Fixed Penalty Notices (Public Order Offence)** – The Licensing Authority recognises that in some instance a Fixed Penalty Notice (FPN) may be issued for a public order offence rather the option of prosecution through the courts or acceptance of a caution. A serious view will be taken of the existence of a FPN for a public order offence. In certain circumstances where a FPN has been issued it may be appropriate for the Licensing Authority to issue a strong warning regarding future conduct rather than the refusal of a licence application or suspension/revocation of a licence. The existence of more than one FPN will raise serious concerns regarding an individual's suitability to act as a licensed driver.

## 8. Possession of a weapon

8.1 ~~If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give rise to serious concern as to whether the person is fit to carry the public. Depending on the circumstances of the offence, an applicant should be free of conviction for at least 3 years (or since completion of the sentence if longer) before an application for a licence is considered.~~ **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 seven years have elapsed since the completion of any sentence imposed.

8.2 A hackney carriage/private hire vehicle driver found guilty of an offence involving a weapon(s) should expect to have their licence revoked immediately and not be considered for the grant of a licence until a minimum period of 7 years since conviction (or completion of sentence if longer) has elapsed.

## 9. Sexual and indecency offences and exploitation

9.1 Licensed drivers often carry unaccompanied and vulnerable passengers, therefore applicants with convictions for sexual offences will normally be refused a licence.

9.2 In particular, an application will normally be refused where the applicant has a conviction for sexual, indecency or exploitation offences listed below

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Any offence involving child sexual exploitation and/or sexual exploitation of vulnerable adults
- Possession of indecent photographs, child pornography etc.
- Any sex or indecency offence that was committed in the course of employment as a hackney carriage/private hire vehicle driver
- Indecent exposure
- Soliciting (kerb crawling)
- Or any offence of attempting, committing, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.

9.3 A hackney carriage/private hire vehicle driver found guilty of a sexual or indecency offence during the period of a licence should expect to have their licence revoked immediately. ~~It is unlikely that anyone in this situation will ever be licensed again.~~ They can expect not to be licensed again.

9.4 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register or on any Barred List.

9.5 **Exploitation** – where an applicant or licensee 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 be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

## 10. Discrimination

- 10.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
- 10.2 A licence holder found guilty of a discrimination offence can expect to have their hackney carriage or private hire vehicle driver's licence revoked immediately. They can expect not to be licensed again until a period of at least seven years has elapsed since the completion of any sentence imposed.

## 11. Dishonesty

- 11.1 Hackney Carriage and Private Hire Vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday, is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any lost property being kept by an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty.
- 11.2 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
- 11.3 A licensed hackney carriage/private hire vehicle driver found guilty of a dishonesty offence should expect to have their licence revoked and not be considered for the grant of a licence until a minimum period of 5 7 years after conviction (or completion of sentence if longer).

~~Normally, a minimum period of 5 years free of conviction (or from completion of sentence if longer) should be required before granting a licence. Offences involving dishonesty include:~~

**Offences involving dishonesty include:**

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

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

## 12. Drugs

12.1 A serious view will be taken of any drug related offence.

12.2 ~~A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for at least 5 years or at least 5 years from the completion of sentence if longer.~~

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Additional wording requested by the Sub-group:-

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 an application is considered. If the applicant was an addict then they would normally be required to show evidence of at least 5 years free from drug taking after detoxification treatment.

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

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Additional wording requested by the Sub-group:-

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 an application is considered. If the applicant was an addict then they would normally be required to show evidence of at least 5 years free from drug taking after detoxification treatment.

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

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

12.6 A hackney carriage/private hire vehicle driver found guilty of driving whilst under the influence of drugs, or found guilty of any drug-related offence should expect to have their drivers licence revoked

immediately and ~~not be considered for the grant of a licence until free of conviction (or completion of sentence if longer) for at least 5 years.~~ **be banned from holding such a licence with the Council for 10 years since conviction (or completion of sentence – whichever is longer).**

### **13. Driving offences involving the loss of life**

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

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

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

A hackney carriage/private hire driver found guilty of any of the above offences should expect to have their licence revoked immediately.

### **14. Drink driving or driving under the influence of drugs and/or alcohol**

- 14.1 **In a motor vehicle** - A serious view will be taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident may not necessarily permanently bar an applicant but strict warnings should be given as to future behaviour. More than one conviction for such offences should give rise to serious doubts as to the applicant's fitness to hold a licence.

- 14.2 At least ~~3~~ **7** years should elapse (after the restoration of the DVLA driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is alcohol dependent, a special medical examination should be arranged before the application is considered. If the applicant is found to be alcohol dependent, a period of ~~5~~ **7** years should elapse after treatment is complete before an application/further licence application is considered.

A Hackney Carriage/Private Hire Driver found guilty of a drink-driving offence or found guilty of driving whilst under the influence of drugs should expect to have their drivers licence revoked immediately and not be considered for the grant of a licence until at least ~~5~~ **7** years after restoration of the DVLA driving licence.

- 14.3 **With a licensed vehicle** - A driver found guilty of a drink-driving offence or driving whilst under the influence of drugs whilst carrying passengers in a licensed vehicle should expect to have their driver's licence revoked immediately and not be considered for the grant of a licence until a minimum period of 7 years after the restoration of the DVLA driving licence.

### **15. Major Traffic Offences**

- 15.1 An isolated conviction for dangerous driving or driving without due care and attention or similar offences should normally merit a strong warning as to future driving and advice on the standard expected of hackney carriage/private hire vehicle drivers. More than one conviction for this type of





offence within the last two years should merit refusal and no further application should be considered until a period of 3 years free from convictions has elapsed.

- 15.2 Similarly, a first conviction during the period of a hackney carriage/private hire vehicle drivers licence will indicate that the driver may have ceased to be a fit and proper person and will lead to either a licence suspension or to a warning as to future conduct. Where there are subsequent convictions revocation of the licence will be considered with no further application being considered until a period of 3 years from conviction has elapsed.
- 15.3 **Applicants/drivers who have been disqualified from driving due to major traffic offences (Not involving the loss of life)** – Existing drivers can expect to have their licence revoked. At least 3 years should elapse (after the restoration of the DVLA Licence) before an individual is considered for a hackney carriage/private hire vehicle driver's licence.

## 16. Insurance offences (with a motor vehicle)

- 16.1 A serious view will be taken of convictions for using, or causing or permitting the use of a motor vehicle without insurance. An isolated incident in the past will not necessarily prevent a licence being granted provided the applicant has been free of conviction for at least 3 years. However, a strict warning should be given as to future conduct.
- 16.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 16.3 A licensed driver found guilty of driving passengers in a licensed vehicle without insurance should expect to have their hackney carriage or private hire vehicle driver licence revoked **immediately** and not be considered for another licence for at least 5 years.
- 16.4 An operator found guilty of causing or permitting the driving of passengers for hire and reward whilst without insurance will normally have his operator licence revoked and will not be considered for holding a licence for at least 5 years.

## 17. Using a mobile phone whilst driving

- 17.1 Applicants (and licence holders) should be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- are much less aware of what's happening on the road around them
  - fail to see road signs
  - fail to maintain proper lane position and steady speed
  - are more likely to 'tailgate' the vehicle in front
  - react more slowly, take longer to brake and longer to stop
  - are more likely to enter unsafe gaps in traffic
  - feel more stressed and frustrated.
- 17.2 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed alcohol up to the legal limit. In light of this a serious view should be taken of convictions for driving whilst using a mobile phone.



- 17.3 ~~Any applicant for a new licence who has, within the 3 years preceding the licence application, been convicted for an offence of using a mobile phone whilst driving will be referred to a sub-committee of the Regulatory & Appeals committee for their application to be considered. Their application may be refused and will normally be refused where there is more than one conviction for this offence.~~

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 five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the longer.

- 17.4 ~~A licensed driver who is convicted for an offence of using a mobile phone whilst driving will be referred to a sub-committee of the Regulatory & Appeals Committee and can expect the suspension or revocation of their licence.~~

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

## 18. Other Traffic Offences

- 18.1 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring offences may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
- 18.2 Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

### New Applicants

- 18.3 Any conviction for other traffic offences, (e.g. obstruction, waiting in a restricted street, speeding etc) should not normally prevent a person from proceeding with an application. However, the number, type and frequency of this kind of offence will be taken into account. In certain instances it may be appropriate to issue a licence together with a strong warning as to future driving standards. If a significant history of offences is disclosed, refusal of an application may result.
- 18.4 New applicants who have received 9 or more DVLA penalty points (in respect of minor traffic offences) on their driving licence during the 12 months prior to the date of application may be refused.
- 18.5 Applicants who have been disqualified from driving under the “totting-up” procedure will not normally be granted a licence unless they have held a licence for at least 2 years following the expiry period of the disqualification and can show a significant improvement in history of motoring offences during that period.

## **Existing Licence Holders**

- 18.6 A hackney carriage/private hire vehicle driver receiving 6 or more penalty points during any 3 year period will be issued with a written warning as to future conduct.
- 18.7 Any current driver disqualified from holding a DVLA licence under the “totting-up” procedure should expect to have their hackney carriage/private hire vehicle driver licence licence revoked. At least 3 years should then elapse (after the restoration of the DVLA licence) before he/she is considered for a licence and then a licence should only be granted if he/she can show a significant improvement in a history of motoring offences during that period.
- 18.8 In the case of an existing hackney carriage/private hire vehicle driver where the “totting-up” disqualification of a DVLA licence is considered by the court, even if the court does not disqualify, the Council is likely to revoke the hackney carriage/private hire vehicle driver licence. At least 3 years should elapse either after the date of consideration by the court or restoration of the DVLA licence, whichever is the longer, before the individual is considered for a licence.
- 18.9 In the case of an existing hackney carriage/private hire vehicle driver, who show a pattern of driving endorsements, the Licensing Authority reserves the right to require such a driver to successfully undergo the Taxi and Private Hire Driving Assessment provided by the Lincolnshire Road Safety Partnership and attain a low risk assessment (or other assessment by a similar body approved by the Licensing Authority).
- 18.10 Any driver who receives a short period disqualification can expect to receive a warning regarding future conduct and may also be required to attend the Taxi and Private Hire Driving Assessment provided by the Lincolnshire Road Safety Partnership and attain a low risk assessment (or other assessment by a similar body approved by the Licensing Authority). In cases where the drivers licence is already endorsed with penalty points the driver can expect their licence to be suspended along with a requirement to attend an assessment course. In cases where there is a pattern of offences the driver can expect their licence to be revoked and not be considered for another licence for at least 3 years.

## **19. Drunkenness (Not in a Motor Vehicle)**

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

## **20. Licensing offences**

- 20.1 One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences, or a possible pattern of unlawful behaviour, under the hackney carriage and private hire licensing regime.
- 20.2 Certain offences under hackney carriage legislation such as plying for hire without a hackney carriage licence, overcharging and refusing to carry disabled persons would normally result in refusal to grant



or renew a licence until a period of at least 3 years has passed since conviction. A licensed driver with such a conviction can expect their licence to be revoked and not be considered for another licence for at least 3 years.

- 20.3 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence, or in the case of an existing licence holder, suspension or revocation can be expected.

## **21. Smokefree – Hackney Carriages and Private Hire Vehicles**

- 21.1 Any hackney carriage/private hire vehicle driver who receives a first fixed penalty notice or fine for smoking in a licensed vehicle will be issued with a warning as regards to future conduct.
- 21.2 Any hackney carriage/private hire vehicle driver receiving two or more fixed penalty notices or fines during any three year period for smoking in a licensed vehicle will be reported to a sub-committee of the Regulatory & Appeals Committee who may consider suspension or revocation of their driver licence(s).

## **22. Perverting or attempting to pervert or conspiring to pervert the Course of Justice**

- 22.1 At least 3 years should elapse since conviction (or completion of sentence if longer) before an applicant is considered for a licence.
- 22.2 A licence holder found guilty of such an offence should expect to have their licence revoked and not be re-considered for a licence until a minimum period of 5 years has elapsed since conviction (or completion of sentence if longer).

## **23. Immigration Offences**

- 23.1 Where a licence holder has been served an immigration penalty, or convicted of an immigration offence, the licence will be revoked by this Authority.
- 23.2 Similarly, any licence applicant who has been served an immigration penalty, or convicted of an immigration offence, is unlikely to be granted a licence by this Authority.

## **24. Outstanding charges or summonses**

- 24.1 If the individual is the subject of an outstanding charge or summons their application can be processed, but the application will be reviewed at the conclusion of any outstanding proceedings. However, if the outstanding charge or summons involves a serious offence then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

## **25. Non-conviction information**

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

## **26. Once a licence has been granted**

- 26.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.
- 26.2 Unless otherwise stated, all of the preceding contents of this policy document apply equally to current hackney carriage/private hire vehicle drivers as they do to licence applicants

## **27. Licences issued by other licensing authorities**

- 27.1 Applicants who already hold a licence with another licensing authority should not assume that a similar application will be granted by this Authority. Each case will be decided on its own merits.
- 27.2 ~~Licencees who are licensed by more than one authority are expected to inform each of those authorities about every licence they hold and to advise each authority of any changes in this respect. Licence holders should expect those authorities to share information regarding their conduct and to take it into account as appropriate.~~

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

## **28. Conclusion**

- 28.1 To conclude, a criminal history in itself may not automatically result in refusal of a licence and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant will be expected to remain free from conviction for between 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed. ~~For the most serious crimes, except in exceptional circumstances, a licence will not normally be granted.~~
- 28.2 While it is possible that an applicant may have a number of convictions that, individually, would not prevent him/her from being licensed, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public. This consideration is vital because hackney carriage/private hire licence holders have unprecedented access to the public and are in a position to exercise control over individuals including children and vulnerable adults.
- 28.3 The Council generally considers that offences committed by licensed hackney carriage/private hire vehicle drivers should be considered more seriously than offences committed by individuals who are

not licensed. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.

- 28.4 Whilst officers and the committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.

## **29. Review of Policy**

- 29.1 This Policy Statement will remain in existence until superseded and will be subject to review and further consultation before the end of 2027. However, following consultation, the Council may make revisions to it as deemed necessary before the 2027 date.

These policy guidelines were last revised and updated in March 2022.



**DRIVER KNOWLEDGE TEST**

Full details of the procedures of application for a driver licence are set out in Section 3 (Applications) earlier in this guide. This appendix is simply to set out in more detail what will be expected of applicants during the actual test.

The test is in three parts as follows:-

1. **KNOWLEDGE OF HACKNEY CARRIAGE LEGISLATION AND BOSTON BOROUGH COUNCIL'S HACKNEY CARRIAGE BYELAWS AND CONDITIONS**

This will consist of 6 written questions on the above legislation as it relates to Hackney Carriage work. The questions are set out below and are taken from information given in this Guide.

- (a) What are your duties when passengers are entering or leaving your taxi?
- (b) What are your duties when passengers are carrying luggage?
- (c) When must you display your licensed driver's badge?
- (d) When hired and driving a passenger to a particular destination which route must you take?
- (e) Whilst plying for hire in a Hackney Carriage licensed to carry 4 passengers, you are asked to carry 3 adults and 2 babies. Does the law allow you to carry all the group?
- (f) Whilst at a Hackney Carriage Stand when should you NOT take a fare?

**YOU MUST ANSWER ALL THE ABOVE QUESTIONS CORRECTLY.**

2. **TOPOGRAPHICAL KNOWLEDGE OF THE AREA COVERED BY BOSTON BOROUGH COUNCIL**

The following 2 parts of the test will take the form of a written multiple choice questionnaire.

- (a) The applicant will be required to demonstrate their knowledge of the shortest (not the fastest) practicable route between two points.

THE APPLICANT WILL BE ASKED TWO QUESTIONS IN THIS SECTION BOTH OF WHICH MUST BE ANSWERED CORRECTLY.

Both journeys will begin at one of the Taxi Ranks situate in the Borough.

- (b) The applicant will be asked to locate 20 places in the Boston Borough Council area.

17 OR MORE OF THE PLACES MUST BE IDENTIFIED CORRECTLY.

Examples of the places applicants may be asked include the following:

Supermarkets

Public Buildings

Public Houses

Schools

Social Clubs

Places of Interest

Sports Centres

Arts & Entertainment Centres

Residential Areas

Hospitals and Health Centres

**APPLICANTS WILL BE ALLOWED NO MORE THAN 45 MINUTES TO COMPLETE THE WRITTEN SECTIONS OF THE TEST**

All new applicants must undertake the Council's Basic English and Maths test for a Hackney Carriage or Private Hire Driver Licence.

## **CODE OF CONDUCT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

Hackney Carriage and Private Hire Drivers (referred to in this document as drivers) are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its licensing team and committee, has to ensure that all drivers are 'fit and proper' to undertake their work as drivers and that they also act as ambassadors for the district. It is essential that the council and drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

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

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

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

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

### **Drivers should:**

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

### **And be aware of:**

- The safety and well-being of passengers being paramount
- The importance of the use of appropriate language
- The vulnerability of children and persons with special needs.



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

### **Drivers should never:**

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism.
- Make physical contact with a passenger, unless in an emergency situation, or if required to do so because of the additional needs of the passenger.
- Administer medication unless a specific request has been made by the hirer.
- Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office.
- Engage with passengers who are children or vulnerable adults through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games
- Phone or send text messages to passengers other than directly concerning the hiring of your vehicle
- Swear at/in front of passengers or make personal/humiliating comments at/in front of passengers or tell inappropriate jokes to passengers
- Offer sweets, cigarettes or gifts of any sort.
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer.
- Show passengers inappropriate videos or pictures on your mobile phone or any other electronic device.
- Make inappropriate comments about other drivers, proprietors or operators to other persons either verbally, on social media or otherwise.

### **Safeguarding:**

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

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



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

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

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



**HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE CONDITIONS**

**CONDITIONS IN RESPECT OF DRIVING HACKNEY CARRIAGE VEHICLES**

1. **Driver's Badge**

- (a) When driving a Hackney Carriage Vehicle the driver is required to display the badge issued by the Council in such a position and manner to be plainly and distinctly visible to the passengers.
- (b) The badge (which remains the property of the Council) must be returned to the Council, either at the termination of this licence or when moving from the Borough and ceasing to be a Hackney Carriage Driver.
- (c) If a driver's badge and/or licence is misplaced or lost the driver must notify the Council immediately.

2. **Change of Address or Employer**

The driver must notify the Council in writing of any change of their address or employer during the period of the licence within seven days of such change taking place.

3. **Conduct of Driver**

The driver shall at the request of any authorised Officer of the Council or any Constable produce for inspection their official driver's licence forthwith or;

- (a) In the case of a request by any authorised Officer, before the expiration of the period of five days beginning with the day following that on which the request was made at the above address;
- (b) In the case of a request by a Constable before the expiration of the period aforesaid at any Police Station which is within the Borough and is nominated by the driver when the request is made.

4. **Hackney Carriage Byelaws**

The driver shall comply at all times with the Byelaws made by the Council under Section 68 of the Town Police Clauses Act, 1847 and Section 171 of the Public Health Act, 1875, and on no occasion shall charge any fares in excess of those authorised by the Council. The current fare scale is available for inspection at the Municipal Buildings and must be displayed in every Hackney Carriage.

## PRIVATE HIRE DRIVER - CONDITIONS OF LICENCE

### 1. Change of Address or Employer

The driver must notify the Council in writing of any change of their address or employer during the period of the licence within seven days of such change taking place.

### 2. Driver's Badge

- (a) When driving a Private Hire Vehicle the driver is required to attach the badge issued by the Council to their jacket or similar garment, in such position and manner to be plainly and distinctly visible to the passengers.
- (b) The badge (which remains the property of the Council) must be returned to the Council, either at the termination of this licence or when moving from the Borough and ceasing to be a Private Hire Driver.
- (c) If a driver's badge and/or licence is misplaced or lost the driver must notify the Council immediately.

### 3. Conduct of Driver

The driver shall:-

- (a) Afford all reasonable assistance with passengers' luggage.
- (b) At all times be clean and respectable in their dress and person and behave in a civil and orderly manner.
- (c) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.
- (d) Not without the express consent of the hirer, drink or eat in the vehicle.
- (e) Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (f) 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.
- (g) Not to tout or solicit or cause or procure any other person to tout or solicit in any public place any person to hire or be carried for hire in any Private Hire Vehicle nor proceed along the highway for the purpose of plying for hire.
- (h) The driver shall at the request of any authorised Officer of the Council or any Constable produce for inspection their official driver's licence forthwith or;

- (i) In the case of a request by an authorised Officer, before the expiration of the period of five days beginning with the day following that on which the request was made at the above address;
  - (ii) In the case of a request by a Constable before the expiration of the period aforesaid at any Police Station which is within the Borough and is nominated by the driver when the request is made.
- (i) The driver of a private hire vehicle shall not without reasonable cause unnecessarily prolong in distance or in time, the journey for which the private hire vehicle has been hired.

4. **Passengers**

- (a) The driver shall not convey or permit to be conveyed in the vehicle a greater number of persons than that indicated on the licence plate issued by the Council of any licensed vehicle being driven by him or in their charge.
- (b) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

5. **Lost Property**

- (a) The driver shall immediately after the termination of any hiring of a Private Hire Vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- (b) If any property accidentally left in a Private Hire Vehicle by any person who may have been conveyed therein is found by or handed to the driver, he shall take it as soon as possible and in any event within 24 hours to a convenient Police Station and leave it in the custody of the Officer in charge on their giving a receipt for it.

6. **Written Receipts**

The driver shall if requested by the hirer of a Private Hire Vehicle provide him with a written receipt for the fare paid.

7. **Guide, Hearing or Prescribed Assistance Dog and other Animals**

The driver shall not convey in a Private Hire Vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

If the private hire vehicle being driven by the driver has been hired:

- (a) by or for a disabled person with their guide, hearing or prescribed assistance dog; or
- (b) by a person who will be accompanied in the private hire vehicle by such a disabled person;

he/she must:

- (a) carry the disabled passenger's dog and allow it to remain with the passenger; and
- (b) not make any additional charge for doing so.

Any driver with a medical reason for not complying with this condition must obtain a medical certificate from their registered medical practitioner to exempt him/her from this condition and lodged the aforementioned certificate with the Council. Any payment for such a certificate will be paid by the licence holder.

Any animal belonging to or in the custody of any passenger which in the driver's discretion may be conveyed in the vehicle shall only be conveyed in the rear of the vehicle.

At the termination of any such hiring the driver will ensure that the seat occupied is cleared of all fur/hair before accepting another fare.

#### 8. **Prompt Attendance**

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

If for any reason whatsoever the driver is unable to attend at the appointed time and place, he shall take immediate steps to report their circumstances to the proprietor or operator of the vehicle to enable alternative arrangements to be made.

#### 9. **Taximeter**

If a Private Hire Vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

#### 10. **Fare to be Demanded**

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

#### 11. **Convictions**

The driver shall notify the Council in writing of any conviction/cautions/fixed penalty tickets, imposed upon him during the period of the licence within seven days thereof including the date, the Court, the offence and the penalty.

March 2009



**CONDITIONS – HACKNEY CARRIAGE VEHICLE LICENCES**

1. The proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, or in any case within 72 hours of the occurrence of any accident to such Hackney Carriage causing damage materially affecting the safety, performance or appearance of the Hackney Carriage or the conduct or convenience of persons carried therein.
2. Every Hackney Carriage (together with the taximeter therein) licensed by the Council must be inspected on at least two separate occasions in every 12 months. **The inspections will be carried out by a certified MOT garage within the Borough of Boston** and the proprietor is responsible for the making of arrangements for such inspections. The first inspection should be made in the fifth month following the date of the licence and the second immediately prior to the renewal of the licence. On the introduction (under Section 65 of the Local Government (Miscellaneous Provisions) Act, 1976) of a revised maximum Hackney Carriage fare structure the Council shall require all taxi meters which have been recalibrated/retariffed to that fare structure, to be tested for accuracy and sealed by the Council.
3. Upon the grant or renewal of a Hackney Carriage vehicle licence the applicant shall notify the local authority in writing of the fare structure to be adopted in respect of the vehicle and within 7 days of any change thereof, of the revised structure. Provided always that any fare structure may not exceed the maximum fare structure determined by the Council pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
4. The Hackney Carriage shall not be used before the identity plate, issued by the Council, has been affixed to the rear of the vehicle, in a conspicuous position, to the satisfaction of the Council.
5. The proprietor of the Hackney Carriage shall not convey or permit to be conveyed in the vehicle any greater number of persons than the number of persons specified on the plate affixed to the rear of the vehicle.
6. The proprietor of the vehicle shall return the identity plate within seven days of the expiration, suspension or revocation of a Hackney Carriage Licence - failing which he/she shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £10.
7. A current list of fares approved by the Council must be exhibited in the Hackney Carriage in such a position as to be clearly readable by the passengers.
8. The proprietor of the vehicle shall cause to be affixed to the roof of the vehicle, a roof sign which shall be capable of being illuminated and such sign shall be illuminated when the vehicle is plying or standing for hire, but not otherwise. The roof sign must prominently display the word "TAXI" or "HACKNEY CARRIAGE" to the front of the vehicle and the lettering must be at least 4cm in size and be of a neat and consistent standard. The minimum size of lettering will not relate to those vehicles which meet the metropolitan Conditions of Fitness.
9. The Hackney Carriage hereby licensed shall display no advertisement unless its size, colour and subject matter and its position on the vehicle has first been approved in writing by the Council. A

draft copy of the advertisement must be firstly submitted for approval. All advertisements on the exterior of the vehicle are restricted to being displayed on the side doors of the vehicle. Any advertising on the interior of the vehicle must not be easily visible from outside and any advertising on the vehicle windows is not permitted.

Advertisements and signage displayed in or on the vehicle must not discriminate against any person or group of persons on the grounds of age, gender, disability, race, religion or sexual orientation and should not cause offence to a reasonable member of the general public. Advertisements or signage must not refer to tobacco, smoking materials or alcohol products unless as part of a health education or similar campaign. Furthermore, any advertisement or signage should not contain anything of a political nature. Advertisements and signage must be of a neat and consistent standard and be of such a form as not to be easily soiled. The proprietor shall ensure that any advertisement or signage carried on the vehicle is not disfigured or damaged and shall immediately remove any advertisement or signage that has become damaged or disfigured. All advertisements should comply with the British Code of Advertising issued by the Advertising Standards Agency (ASA).

10. A fire extinguisher in proper working order shall be securely fixed to the vehicle in such a position as to be readily available for use. The extinguisher shall be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).
11. The vehicle and all of its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition.
12. The Byelaws for the time being in force in the District of Boston Borough Council with respect of Hackney Carriages and drivers shall apply to this licence and are incorporated as if they were set out in full as conditions of this licence.







**PRIVATE HIRE DRIVERS,  
PROPRIETORS & OPERATORS  
POLICY & GUIDANCE**

**March 2022 v.5.0**

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# **1. GENERAL MATTERS**

## **1.1 Introduction**

In Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976, as amended by Part II of Schedule 5 of the Transport Act, 1980, and the Transport Act, 1985, a HIRE CAR is defined as:-

*"a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers."*

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

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

N.B. Where relevant, in the guide, the source of the law is given in the above abbreviated form. Copies of the conditions attached to licences are printed on the licences and in this guide.

## **1.2 Correspondence, Forms of Application, etc.**

All correspondence should be addressed to - and all forms for an application are available from - the Licensing Section, Municipal Buildings, West Street, Boston. PE21 8QR.

## **1.3 Drivers Badge**

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

## **1.4 Lost or Stolen Driver's Badge/ Vehicle Licence**

This should be reported immediately to the Licensing Section, Municipal Buildings, West Street, Boston. PE21 8QR. Upon receipt of a fee a duplicate badge or Licence can be issued.

## **1.5 Lost or Stolen Vehicle Plate**

This should be reported immediately to the Licensing Section, Municipal Buildings, West Street, Boston. PE21 8QR. Upon receipt of a plate charge, a new plate will be issued.

## **1.6 Boston Borough Council Area**

The Boston Borough Council area consists of:- Algarkirk, Amber Hill, Benington, Bicker, Boston, Brothertoft, Butterwick, Fishtoft, Fosdyke, Frampton, Freiston, Holland Fen, Kirton, Leverton, Old Leake, Sutterton, Swineshead, Wigtoft, Wrangle and Wyberton.



## 1.7 **Whistleblowing**

This Council has adopted a Whistleblowing Policy and has internal procedures in place for licensing staff to raise concerns if they feel that licensing policies and requirements are not being correctly applied and implemented. The Whistleblowing Policy applies to all employees and officers of the organisation. Other individuals performing functions in relation to the organisation, such as secondees, external contractors and agency employees, whilst they are at the council, are also encouraged to use the policy.

This Authority recognises that if a worker is aware of, and has access to, effective internal procedures for raising concerns then whistleblowing is unlikely to be needed.

Copies of the Council's whistleblowing procedure is available on request by emailing: [licensing@boston.gov.uk](mailto:licensing@boston.gov.uk)

## 1.8 **Multi-Agency Safeguarding Hub**

This Council has a range of statutory duties to carry out in relation to safeguarding and promoting the wellbeing of individuals and communities. The Safeguarding Policy and Procedures has been written to support the Council in protecting those who need safeguarding by providing a reference point and guidance for staff, elected members, volunteers, key contractors, consultants and directly commissioned providers acting on behalf of the Council. It seeks to provide practical guidance to ensure that the Council plays its full part in safeguarding and promoting the wellbeing of individuals and communities at all times. The Policy and procedures are available on the Council's internal Intranet.

Copies of the Council's Safeguarding policy and procedures are available on request by emailing: [licensing@boston.gov.uk](mailto:licensing@boston.gov.uk)

## 1.9 **Policy Review**

This Policy will be reviewed every five years from the date of adoption. However, following consultation, the Council may make revisions to it as deemed necessary.

## 2. **APPLICATIONS**

### 2.1 **Fees and Charges**

All fees and charges are payable in advance. Details of all current fees and charges are available from the Municipal Buildings, West Street, Boston, PE21 8QR or via the council's website at [www.mybostonuk.com](http://www.mybostonuk.com). Cheques and postal orders should be made payable to BOSTON BOROUGH COUNCIL and crossed. Any licence issued on payment by a cheque, which is not honoured by the Bank will be invalid. You are advised to obtain an official receipt for all monies paid.

Where an applicant is refused a licence, the fee previously paid for the licence is refunded, unless the applicant appeals against refusal. If any appeal succeeds the fee will be taken; if the appeal fails the fee will be refunded LESS any costs which have been awarded by the Court. (NB any fee paid in connection with a Medical Certificate or Criminal Record Disclosure is NOT refundable.)

## 2.2 **Forms of Application, etc.**

All forms, etc, are available from the Licensing Section, Municipal Buildings, West Street, Boston.

## 2.3 **Licence Renewal Reminders**

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

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

When submitting an application for renewal of a Private Hire Driver Licence, applicants should note that a new driver licence will not be issued until all the necessary checks have been completed. The Council, therefore, recommends that all applicants submit renewals in respect of Drivers licences at least 21 working days before the expiry of the current licence.

## 2.4 **Identity of Applicants**

The Council will make every effort to confirm the identity of all applicants. Verification of identity, date of birth, address and any change of name will be obtained. A right to work check will be undertaken at the time a licence is applied for or on renewal application for existing drivers who have not previously had a right to work check. A further right to work check will be undertaken during the currency of a licence where the licensee has a time limited right to work in the UK. A copy of the identification used to verify the right to work check will be taken and retained for the period that you are a licensed driver and for 2 years afterwards.

## 2.5 **Production of UK/EU Driving Licences**

Applicants for a Private Hire Driver Licence should note that a FULL UK or EU driving licence with a minimum of over one year before expiry, (if an EU Licence, the licence together with the paper part issued by DVLA), or legal equivalent should be produced. However, it is recognised that in some circumstances this may not be possible. As the Council require written proof of the holding of a licence, applicants in these circumstances should write or telephone DVLA at Swansea and request a letter confirming their licence details for production to the Council. If an E.U driving licence is produced applicants will have to make arrangements for the issuing authority to confirm in writing the details of their licence and is sent by the issuing authority directly to the Licensing Section, Boston Borough Council, Municipal Buildings, West Street, BOSTON, PE21 8QR, UK. **NB: Any fee charged by the issuing authority is the responsibility of the applicant.**

## 2.6 **Basic English and Mathematics Test**

A basic English test must be undertaken by all applicants for a Private Hire Driver Licence, other than applicants for renewal of a driver's licence in force at the date of application. The test forms part of the process of ensuring that the applicant is "a fit and proper person". Applicants should contact the Licensing Office to arrange an appointment for the test. If the test is failed at the first attempt then a further test can be taken at a later date. If the second test is failed subsequent test(s) may be taken but will incur a charge.

## 2.7 **Hackney Carriage Knowledge Test**

Private Hire drivers do not have to pass the knowledge test. However, they may do so in order to gain a joint PH and Hackney Carriage Driver Licence. On passing the knowledge test (for

which there is a charge), if a Private Hire badge and licence has been previously issued there will be a charge to transfer these to a Hackney Carriage Driver Licence and Badge.

## **2.8 Medical Examinations**

All applicants making their first application must lodge a certified medical certificate. A medical certificate will then be required every six years thereafter, unless an applicant's condition warrants examination on a more regular basis.

An applicant aged 65 years or over must undergo the medical examination every year.

As recommended by the Medical Commission on Accident Prevention the authority requires licence holders to attain DVLA Group 2 Vocational Licence Standard.

Any fee charged by the Doctor is payable by the applicant.

A Medical Practitioner who has full knowledge of the applicant's medical history must carry out the examination.

Where the Medical Practitioner cannot carry out the eye test this part of the medical form must be completed and the form signed by an optician prior to the medical being carried out.

Medical certificate forms and further information can be obtained from the Licensing Section.

Any applicant who does not meet the DVLA Group 2 Vocational Licence Standard can expect to have their application refused.

Licensed drivers who no longer meet the DVLA Group 2 Vocational Licence Standard either temporarily or permanently must notify the Licensing Authority forthwith. In such cases the driver can expect to have their licence either suspended or revoked. Guidance on the DVLA Group 2 Vocational Licence Standards is available from the Licensing Authority.

**The Council will not normally accept certified medical certificates submitted with an application, which is received more than 6 weeks after the Doctor has signed the report.**

## **2.9 Private Hire Vehicle Operators Licence**

The Council issues Operators Licences on a 5 year basis.

When submitting an application for an operator licence, applicants are required to declare any unspent conviction(s) they may have,

Applicants for a private hire vehicle operator licence, who do not hold a hackney carriage/private hire driver licence with this authority, will be required to present, at their expense, the result of a current and up to date Basic Disclosure Check. Disclosures that are more than 1 calendar month old at the time of application will not be accepted.

**Following the issue of an operator licence the licence holder is required to submit to this Authority an up-to-date result of a Basic DBS Check on an annual basis.**



This means that a check must be obtained and supplied in respect of a sole individual, or each individual where the licence is held by multiple individuals, or each director of a limited company licence holder.

DBS certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 1 month before the date on which the certificate is submitted to this Authority.

This requirement will not relate to any individual holding a current private hire or hackney carriage driver's licence issued by Boston Borough Council and that person has:

- signed up to the DBS Update Service, and,
- completed this Authority's 'DBS Update Service Authorisation Form'.

## **2.10 Conviction(s)**

When submitting an application for a licence to drive a licensed vehicle, applicants are required to declare any conviction(s) or caution(s) they may have, including any they previously regarded as "spent" under the Rehabilitation of Offenders Act, 1974. The information applicants give will be treated in confidence and will only be taken into account in relation to their application. Applicants should be aware that the Borough Council may require applicants to apply for a Criminal Records Disclosure from the Disclosure and Barring Service (DBS). The Disclosure will reveal the existence and content of any criminal record or relevant information held in the name of an applicant. Checks will also be made with the Driver and Vehicle Licensing Agency (DVLA). Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained on manual and computer record(s) for no longer than is necessary. Any information received may be used in Court proceedings.

DBS checks for licensed drivers will be completed every six months by the Licensing Authority. This Authority requires all licensed drivers to subscribe to the DBS Update Service, to maintain the annual subscription and confirm to taxi licensing that they have signed up to the Update Service. Licensed drivers will need to retain their DBS Certificate once they have subscribed as the Certificate will be linked to the Update Service.

Any driver not signed up to the Update Service will be required to complete the DBS form and pay for at their own expense every six months.

Exceptionally - the Council may request an additional Disclosure outside of the six months checks if:

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

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

The Council has adopted guidelines relating to the relevance of conviction(s) and each case will be decided on its own merits. The Council's guidelines are set down in **Appendix G**.

Disclosures that are more than 1 calendar month old at the time of application will not be accepted.

Applicants may contact the Licensing Section, in confidence, to discuss what effect a conviction(s) might have on their application.

#### **2.11 Code of Conduct**

Applicants will be asked to sign a declaration to confirm that they understand the Driver Code of Conduct forms part of the Licensing Authority's Policy. **See Appendix H.**

#### **2.12 Non Disclosure or Misrepresentation**

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

#### **2.13 Referrals to the Disclosure and Barring Service & the Police**

Any decision to refuse or revoke a licence where the individual is thought to present a risk of harm to a child or vulnerable adult will be referred by this Authority to the Disclosure and Barring Service (DBS) and the Data Protection Team of the Lincolnshire Police.

#### **2.14 National Register of Refusals and Revocations – NR3**

Licensing Authorities are required to satisfy themselves that those holding hackney carriage and Private Hire Vehicle driver 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. If drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for the Licensing Authority to find this information out. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a licence in another area, despite having had their licence revoked or their application refused elsewhere.

In response to this a national register of hackney carriage and private hire vehicle driver licence refusals and revocations which is called the "National Register of Refusals and Revocations" or NR3 has been created and Boston Borough Council has signed up to use this register. The register allows the Licensing Authority to record details of where a hackney carriage or PHV drivers' licence has been refused or revoked and allows the Licensing Authority to check new applicants against the register.

#### **2.15 HMRC Tax Conditionality**

With effect from the 4 April 2022 licensing authorities within England and Wales will be required to ensure that hackney carriage/private hire drivers and private hire operators are registered for tax. A licence renewal will not be able to proceed until the check has been validated by licensing officers. If an application is for a new driver application then advice on how to register with

HMRC to pay tax will be passed onto the applicant and the applicant will be required to confirm that they have read the advice.

## 2.16 Appeals

Any applicant refused a driver's and/or Private Hire vehicle licence has a right of appeal to a Magistrates Court.

## 3. INSTRUCTIONS FOR PRIVATE HIRE OPERATORS, DRIVERS AND PROPRIETORS

### 3.1 The Advance Booking of Private Hire Vehicles and Illegal Plying For Hire

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

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

'Plying for Hire' means being on view and inviting the public to use the vehicle (Rose v Welbeck Motors Limited, 1962). This can be inferred by the appearance of the vehicle, and the place it is on view and its conduct. **Therefore, private hire vehicles must not wait near taxi ranks, without reasonable cause, as to do so may be construed as acting as a hackney carriage vehicle and plying for hire.** Furthermore, any gathering of more than 2 private hire vehicles could be perceived as forming a rank and lead to prosecution for plying for hire. The practice of passengers booking fares with the driver who relays the booking information to the operator over the vehicle's radio constitutes plying for hire. The driver must not act as the "go-between" under any circumstances.

### 3.2 Operator Licences

"Operate" means in the course of business to make provision for the invitation or acceptance of bookings for a hire vehicle (Section 80 LG (MP) A). Every operator of private hire vehicles must be licensed by the Borough Council (Section 46 LG (MP) A).

A Private Hire Vehicle Operator Licence may be applied for by a company or partnership. Licensing Authorities should apply the "fit and proper" test to each of the directors or partners in that company or partnership. For this to be effective Private Hire Vehicle Operators will be required to advise the local authority of any change in directors or partners.

A Borough Council cannot grant a licence unless it is satisfied that the applicant is a "fit and proper person" (Section 55 LG (MP) A). A licence cannot be issued for a period exceeding 5 years. Council policy is that licences are issued annually (Section 55 LG (MP) A).

Section 75 of LG (MP) A provides that a private hire vehicle and driver licensed by a Borough

Council will be authorised to act in a controlled area of any other District Council. They are licensed by one District Council in order that they will be free to go through any other controlled district and to operate fully as a licensed private hire vehicle and driver.

### **3.3 Annual Disclosure and Barring Service (DBS) check for Private Hire Operators**

Following the issue of an operator licence the licence holder is required to submit to this Authority an up to date result of a Basic DBS Check on an annual basis.

This means that a check must be obtained and supplied in respect of a sole individual, or each individual where the licence is held by multiple individuals, or each director of a limited company licence holder.

DBS certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 1 month before the date on which the certificate is submitted to this Authority.

This requirement will not relate to any individual holding a current private hire or hackney carriage driver's licence issued by Boston Borough Council and that person has:

- signed up to the DBS Update Service, and,
- completed this Authority's 'DBS Update Service Authorisation Form'.

### **3.4 Suspension and Revocation of Operator Licences**

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

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

### **3.5 Responsibility for Hirings**

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

Operators are therefore directly responsible for the actions or omissions of drivers or proprietors used by them and must, therefore, ensure that all vehicles and drivers are licensed and insured. Operators can be required to produce their booking and vehicle records on request to any authorised office of the Council for inspection.

### **3.6 Record keeping**

Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;

- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

### **3.7 Booking and Dispatch Staff**

Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.

Operators will be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

### **3.8 Policy on Employing Ex-Offenders**

A licence holder employing Booking & Dispatch Staff must hold and maintain a Policy on Employing Ex-Offenders.

This Authority recommends that the policy indicates that those with a current (unspent) conviction for any of the offences listed below, would not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a licensed vehicle:

- Crime resulting in death
- Exploitation
- Offence involving violence against the person
- Possession of a weapon
- Sexual offences
- Dishonesty
- Drugs
- Discrimination

### **3.9 Use of Passenger Carrying Vehicle (PCV) Licensed Drivers**

The use of a driver who holds a PCV licence and the use of a Public Service Vehicle (PSV) to undertake a private hire vehicle booking will not be permitted without the informed consent of the booker.

In line with the requirement laid down in the Statutory Taxi and Private Hire Vehicle Standards, any operator licence granted or renewed by this Authority will be subject to the above licence condition. Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licensed driver will be used who is subject to a different level of licensing checks and not required to have an Enhanced DBS check.

### **3.10 Operator Licence Renewal Application - DBS Check**

Private Hire Operator Licence renewal applications must be accompanied by a Basic Disclosure Certificate, issued by the Disclosure and Barring Service (DBS) for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant. Certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 1 month before the date on which the application was made.

The requirement to provide a Basic Disclosure certificate will not apply to any applicant (or director) who holds a current private hire or hackney carriage driver's licence issued by Boston Borough Council and the driver licence was granted or renewed by this Authority within six-months prior to the operator licence application.

These individuals have already been assessed for their fitness and propriety during their application for a driver licence, and as such no further checks of any criminal record history for that particular applicant, at the time of the renewal application, will be considered necessary.

Applicants who are applying simultaneously for a driver's licence (and have made an application, not simply requested a driver licence application pack) will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The operator's licence application will not be determined until any such disclosure certificates (including enhanced certificates as part of a simultaneous driver's licence application) have been received.

### **3.11 Fare to be Demanded**

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

### **3.12 Charging Separate Fares**

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

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

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.

### **3.13 Drivers of Licensed Vehicles must be Licensed**

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

### **3.14 Drivers' Badges**

All drivers must wear the badge provided when driving a private hire vehicle in a position so as to be plainly visible (Section 54 LG (MP) A). The badge need not be worn if:-

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

On revocation or suspension of the driver licence, the badge must be returned to the Council on demand (Section 61, LG (MP) A). The driver's badge remains the property of the Council and must be returned to the Licensing Section, Municipal Buildings, West Street, Boston, either at the termination of the licence or when moving from the Borough and ceasing to be a licensed driver.



### **3.15 Drivers' Licence**

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

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

The law requires any applicant for a private hire driver's licence to have held a full UK driving licence (or legal equivalent) for at least 12 months (Section 51, Local Government (Miscellaneous Provisions) Act, 1972. The Council will not normally regard the applicant to be sufficiently experienced unless he has held a full licence for at least two years.

~~Licence holders should note that the issue of a three year Private Hire Drivers' Licence is conditional to having held a Private Hire Drivers' Licence for three consecutive years, without a break. If you allow your licence to expire before applying for renewal, the continuity is broken.~~

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

### **3.16 Production of Licences**

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

### **3.17 Obstruction of Officers - It is an offence to:-**

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

### **3.18 Prolongation of Journeys**

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

### **3.19 Suspension and Revocation of Driver Licences**

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

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

### **3.20 Suspension and Revocation of Driver Licences – Immigration Offences**

Where a licence holder has been served an immigration penalty, or convicted of an immigration offence, the licence will be revoked by this Authority.

Similarly, any licence applicant who has been served an immigration penalty, or convicted of an immigration offence, is unlikely to be granted a licence by this Authority.



### 3.21 Suspension and Revocation of Driver Licences – New Evidence

With regard to the suspension or revocation of driver licences - this Authority recognises that new evidence may be produced at an appeal hearing that may result in the Court reaching a different decision to that reached by the Council. The Authority also recognises that an appeal may be settled by agreement between the Licensing Authority and the driver on terms which, in the light of new evidence, becomes the appropriate course of action.

For example, if the allegations against a driver are subsequently, on the balance of probability, considered to be unfounded, a suspension can be lifted or, if the licence has been revoked, an expedited re-licensing process can be used.

In each case, approval to use a driver expedited re-licensing process will be considered by Council Licensing Officers in conjunction with the Council's Legal Department and the Licensing Sub-Committee. This expedited re-licensing system is to be used only in exceptional and compelling circumstances.

### 3.22 Conviction(s) Licensee Self-reporting

~~A licence holder MUST disclose to the Council, in writing, details of any conviction(s) imposed on him/her during the currency of his licence as soon as possible after the conviction(s).~~

Licence holders will be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not, however, be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. A failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### 3.23 Seatbelts - Private Hire Drivers - Periods when you do not have to wear a seatbelt

Whilst all drivers are encouraged to wear seatbelts the driver of a Private Hire Vehicle may only claim exemption from wearing a seatbelt when a fare paying passenger is **actually in the vehicle** and not at any other time. **Passengers** must wear a seatbelt if available.

### 3.24 Vehicle Licences

Every vehicle used for hire must be licensed by the District Council (Section 46, LG (MP) A). You are **strongly** advised to contact the licensing section prior to purchasing the vehicle. This will enable the licensing section to confirm whether or not the vehicle is suitable, thus avoiding purchase of an unsuitable vehicle which will not meet the criteria resulting in refusal of a licence.

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

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

A vehicle licence shall be valid for a period of twelve months.

NB The Road Safety Act 2006 has abolished the exemption for vehicles used for contract work (previously under Section 75 LG (MP) A), to require a Private Hire Vehicle Licence. All vehicles previously used under this exemption are now required to be licensed.

### **3.25 Funerals & Weddings**

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

### **3.26 Accidents and Damage to Vehicles**

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

### **3.27 Advertisements and Signs on Vehicles**

A Private Hire Vehicle shall not display any signs on or from the vehicle as to lead any person to believe that the vehicle is a Hackney Carriage. A sign consisting of the words TAXI or CAB or FOR HIRE or HACKNEY CARRIAGE or similar words is prohibited. Roof signs are prohibited on private hire vehicles by this Authority.

### **3.28 Identification Plates on Vehicles**

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

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

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

The plate remains the property of the Council. On revocation, suspension or expiry of the vehicle licence, the plate must be returned to the Council within 7 days (Section 58, LG (MP) A). The loss or damage of a plate must be reported immediately to the Council, where upon the payment of a fee a new plate can be issued.

### **3.29 Vehicle Insurance**

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

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

### **3.30 Transfer of Ownership of Vehicles**

Where the ownership of a licensed vehicle is transferred the Council must be informed by the person listed as owner by the Council in writing of this within 14 days, stating the name and

address of the new owner (Section 49, LG (MP) A).

### 3.31 **Suspension and Revocation of Vehicle Licences**

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

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

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

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

### 3.32 **Type of Vehicle**

All vehicles presented for a Private Hire Vehicle Licence, **MUST** meet the requirements set out in **Appendix A** (Section 47 LG (MP) A).

This council does not licence left hand drive vehicles with the exception of imported stretched limousines only. Stretched limousines will not be licensed unless the V5 (logbook) states they have 9 or less seats (8 passengers and 1 driver).

### 3.33 **Testing of Vehicles**

All vehicles (whatever their age) must be tested and inspected **by a DVSA authorised MOT Testing Station based within the Boston Borough Council area** before a licence can be issued to ensure that they are mechanically fit and of good appearance (Section 50 LG(MP)A).

Every Private Hire Vehicle licensed by Boston Borough Council, **MUST** be inspected on at least two separate occasions in every 12 months. The proprietor is responsible for the making of an appointment for the inspection of a vehicle.

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

#### **MOT Certificate Exemptions for Vehicles**

~~Vehicles licensed by Boston Borough Council are exempt from the requirement to possess an MOT certificate. If licence holders are requested to produce an M.O.T. certificate, by the Police, the vehicle licence and certificate of compliance issued by the Council should be produced instead. When applying for motor tax, the vehicle licence and certificate of compliance plus MOT form V112 must be produced at the Post Office. These forms are available from the Post Office.~~

~~NB: Once the Council licence has expired, is suspended, revoked or cancelled, the vehicle reverts to the status of an ordinary private vehicle and the normal traffic laws relating to vehicle excise licences and the holding of an MOT certificate apply.~~

### 3.34 **Taximeters in Private Hire Vehicles**

A private hire vehicle is not required to have a taximeter fitted, but if such a meter is installed, it

must be correctly calibrated, tested for accuracy and approved (Section 71, LG (MP) A) and shall not be operated until:-

- (a) The taximeter has been set to display a fare not exceeding the maximum fare rate set by Boston Borough Council;

and

- (b) The taximeter has been previously tested for accuracy and sealed by the test garage and a meter inspection report lodged with the Council.

Any person who –

- (a) Tamper with any seal on any taximeter:

or

- (b) Alters any taximeter with intent to mislead, shall be guilty of an offence.

### **3.35 Vehicle Fitness Spot Checks**

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

- (a) (i) If, as a result of a check, an immediate suspension notice is issued, then the vehicle must not be used under any circumstances as a licensed vehicle until it has been re-examined and the suspension lifted by an authorised Officer. Re-examination is by a full test being carried out by the test garage. This is booked in the normal way.
  - (ii) Your attention is drawn to the warnings at the foot of the suspension notice.
- (b) (i) If the suspension notice gives you a set number of days in which to rectify the defects, then a vehicle may continue to be used until the date given on the notice.
  - (i) If a vehicle has not been re-examined and the suspension notice lifted by an authorised Officer by the date given on the notice, then from that date, the licence is automatically suspended until such time as the vehicle is re-examined and the suspension lifted by an authorised Officer. Re-examination is by a full test being carried out by the test garage. This is booked in the normal way.
    - (iii) Your attention is drawn to the warnings at the foot of the suspension notice.
- (c) The roadside check carried out on a vehicle, because of practical difficulties, is unable to cover all items normally examined at a full test. The list of defects given to you only serves as justification for the issue of a suspension notice.
- (d) When a vehicle is re-examined at the test garage, a full, normal test will be carried out

- (e) When a vehicle passes, the tester will issue an MOT certificate, this must be taken to the Council Licensing Office before the suspension can be lifted.

### **3.36 Rights of Appeal to the Magistrates' Court**

There are rights of appeal against a Council's refusal to issue a licence and against conditions attached to the grant of a licence. Rights of appeal also exist where a licence is suspended or revoked. An appeal must be lodged at a Magistrates' Court within 21 days from the notice of refusal, revocation or suspension of a licence.

## **4. REGULATORY AND APPEALS COMMITTEE**

- 4.1 An Authorised Officer is delegated by the Council to grant hackney carriage and private hire licences where the applicant fulfils the basic qualifications. However, should in his/her opinion, there be any doubt as to whether the applicant is a "fit and proper person", an application will not be granted under delegated powers. That application may then be pursued to the **REGULATORY AND APPEALS COMMITTEE**. Generally speaking The Authorised Officer will not grant an application which contain a declaration of a conviction(s) involving dishonesty, indecency, violence or a disqualification from driving and which is not clearly covered by the Council guidelines relating to the relevance of conviction(s).

**The general procedure for applications which are pursued to the Committee is as follows:-**

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

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

# APPENDICES



**DIMENSIONS AND ABILITY OF VEHICLES TO BE LICENSED AS  
PRIVATE HIRE VEHICLES**

**Steering**

With the exception of imported stretched limousines the steering wheel must be on the offside.

**Doors**

All doors must be capable of being opened from the inside.

Saloon cars must have four doors, being two on each side of the vehicle, a rear hatch/door not being accepted as one of the four doors.

Minibuses/People Carriers/Converted van type vehicles without a nearside door are not acceptable. Furthermore multi-seater vehicles must have at least four doors; if the rear door is to be used for access and egress then access to this must be direct and not be blocked by a line of seats. Doors should open to an angle of at least 80% to the body of the vehicle, except in the case of sliding doors.

**Engine Size**

The acceleration and braking capabilities should match the engine and carrying capacity of the vehicle.

**Seat Width**

The size requirement is 40cm" (approx.16") per person. The distance should be measured in a straight line lengthwise at the widest point of the front half of each seat. The distance for 3 persons of 120cm"(approx.48") should be taken between the arm rests as these can in some cases significantly reduce the width. Further to this a height of 85cm" (approx.34") between seat and roof and 18cm" (approx.7") from back of front seat to front of rear seat (when front seat is fully pushed back), is to be recommended for passenger comfort.

**Seating Arrangements**

The maximum number of passenger seats allowed is 8 and all should have direct access to a door without the need to climb over the rear of any seat. Tip-up seats or seats which require the back to be lowered will only be permitted when giving access to the side doors of multi-seater vehicles (seats of this type giving access within saloon and estate vehicles will not be permitted). Bench type seating will not be permitted.

With the exception of stretched limousines seats must not be sideways to the direction of travel. All seat belts should comply with current seat belt regulations. The minimum number of passengers that a vehicle should be capable of carrying whilst complying with the above seat width provision is 4.

**Luggage**

The vehicle must be able to carry a reasonable amount of luggage (safe from inclement weather). Luggage should be stored securely and not stored in such a way as to hinder access to a door.

**Vehicle Licence Requirements**

Where there are standard conditions annexed to vehicle licences relating to the condition and fitness or appearance of a licensed vehicle the vehicle must comply with these conditions.





### WHEELCHAIR ACCESSIBLE VEHICLES

**Hackney Carriage Vehicle Licences will not be issued to vehicles being presented to be licensed to carry 5 or more passengers unless such vehicles are immediately wheelchair accessible (i.e. the vehicle must be capable of accommodating a disabled passenger whilst seated in his/her wheelchair). The requirement to remove seats in order to accommodate a wheelchair will not be accepted; seats which fold to allow a wheelchair to be accommodated will be accepted.**

This Authority's minimum requirements with regard to a wheelchair accessible vehicle are:-

- (a) That it can accommodate a disabled passenger whilst seated in his/her wheelchair (there must be adequate headroom for the passenger). For this purpose a "wheelchair" is a reference wheelchair as defined in The Public Service Vehicles Accessibility Regulations 2000.

The dimensions for a reference wheelchair are defined as having

total length of 1200mm, including extra-long footplates  
total width of 700mm  
sitting height (from ground to top of head) of 1350mm  
height of footrest above floor of 150mm

- (b) That the rear/side door used for wheelchair access must be capable of opening as wide as the aperture. A single rear door must be open to a minimum of 90 degrees and for twin rear doors both must open to a minimum of 90 degrees.
- (c) The doorway should provide a minimum of 1220mm in its central third measured from the upper centre of the aperture to a point directly below on either the upper face of the fully raised lift platform or the upper face of the ramp fully deployed on ground level. The door aperture must be wide enough to accommodate a reference wheelchair and have a minimum width of 740mm of unobstructed space.
- (d) There should be sufficient space within the vehicle to accommodate a reference wheelchair. The floor area required for the wheelchair should be at least 750mm x 1250mm with minimum headroom over the area of 1350mm. There must be sufficient space, where applicable, to turn the wheelchair.
- (e) All wheelchair tracking must be fit for purpose and structurally sound.
- (f) A 3 point system for securing the occupant in the wheel chair and a system for effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair space. Wheelchair anchorage systems and devices must conform to European Directive 76/115 EEC (as amended). Additional hand-holds and a step should be provided
- (g) Either a purpose designed wheelchair access ramp or a purpose designed wheelchair lift must be provided.

- (h) Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The ramp shall have visible reference to a safe working load of at least 250kgs. Ramps must be capable of being securely fitted when in use and securely installed in the designated storage area at all other times. Ramps must be free from damage, deformity and sharp edges etc. Ramps must be provided with an anti-slip covering. \* Ramps shall be indelibly marked with the vehicle registration number.
- (i) Any purpose designed wheelchair lift shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). A report, confirming that the lifting equipment is safe to use shall be presented at the time the annual and 6 monthly vehicle inspection certificate is provided to the council. Vehicles will require a certificate that is valid for a period of 6 months from the date of issue. The lift must be capable of being secured in a suitable and satisfactory position when the vehicle is in motion.
- (j) Vehicles shall comply in all respects, and at all times, with current road traffic legislation.
- (k) Vehicles shall comply with the European Community M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least 4 wheels designed and constructed for the carriage of passengers.
- (l) Vehicles that have been originally classified as complying with M1 type approval but have undergone modifications or conversions since original manufacture will be considered suitable provided they are presented with the relevant National Small Series Type Approval (NSSTA) or Individual Vehicle Approval (IVA) certificate or equivalent issued by the Driver and Vehicle Standards Agency (DVSA).
- (m) Any wheelchair accessible vehicle originally given European Community N type approval will be considered unfit for the purpose and will not be considered suitable to be licensed. The definition of a category N type approval is any motor vehicles with at least four wheels designed and constructed for the carriage of goods.

Grandfather rights will apply to **wheelchair accessible** vehicles already licensed by the date on which this policy comes into effect. They will be allowed to continue until the end of their useful life, subject to their compliance with all relevant test and inspection requirements.

Once a vehicle licence has expired then Grandfather rights will no longer apply. Applicants wishing to re-licence that vehicle in the future will be required to adhere to the above Wheelchair Accessible Policy requirements.

Vehicles which have been licensed for private hire and not identified as wheelchair accessible must adhere to the above Wheelchair Accessible Policy if they wish to be licensed as a Hackney Carriage Vehicle.

\*Grandfather rights do not apply with respect to requirement that ramps are indelibly marked with the vehicle registration number.

(adopted 26 September 2017)

No trailer of any description shall be attached to the licensed vehicle, except in accordance with a written authorisation issued by the Council. Any trailer shall be provided and used in accordance with the Council's Guidance for Hackney Carriage / Private Hire Drivers and Proprietors.

### **GUIDANCE FOR HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS AND PROPRIETORS PERMITTING AUTHORISED TRAILERS**

- 1) Each trailer will be authorised for use with one nominated licensed vehicle only. Any trailer must be presented for **inspection by a certified MOT garage within the Borough of Boston** prior to its first use and again at each inspection of the vehicle with which the trailer is authorised to be used. The trailer must be presented with the vehicle for which its use is authorised. This will ensure that the vehicle, trailer and its attaching mechanism are fit, safe and suitable for use.
- 2) The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use. This condition is to prevent proprietors/drivers using the trailer unnecessarily and causing greater congestion on the roads. Licensed vehicles with trailers are not permitted on the Hackney Carriage Rank at any time.
- 3) The trailer must be of a suitable size to carry excess baggage for the number of people the vehicle is authorised to carry and no larger.
- 4) The trailer must comply with all aspects of current legislation and be of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle. This is to ensure that the vehicle with trailer remain fit, safe and suitable for purpose.
- 5) The vehicle must be suitable for towing the intended trailer. This will ensure that the vehicle has an engine large enough to tow the trailer, the brakes are powerful enough to stop the vehicle and trailer safely and that the Gross Trailer Weight (GTW) does not exceed the Towing Capacity of the towing vehicle.
- 6) The trailer must have affixed to it a manufacturer's plate specifying the manufacturer's name and address, the chassis and serial number, the number of axles, maximum weight per axle, nose weight of the coupling, maximum gross weight and the date of manufacture. From 1 January 1997 the Road Vehicles (Construction and Use) Regulations 1986, Regulation 71A, states that trailers with a maximum design weight not exceeding 750Kgs must be fitted with a plate displaying their year of manufacture in a clearly visible position.
- 7) Unbraked trailers must not exceed 750kgs gross trailer weight or half the towing vehicle's kerb weight. This is to comply with the law in relation to vehicle, trailers and their weights.
- 8) Unbraked trailers (manufactured from 1 January 1997) must have a secondary coupling that will provide some residual steering in the event of an unplanned uncoupling. This device should also prevent the ball coupling hitting the ground in similar circumstances. It must be

connected to the towing vehicle when the trailer is being towed. This is to prevent any unnecessary accidents.

- 9) Braked trailers must be fitted with a parking brake that operates on at least two road wheels on the same axle. At all times it must be capable of being maintained in operation by direct mechanical action without use of hydraulics, electric or pneumatic systems ie push rod or cable action. The efficiency of the handbrake must comply with EEC Directive 71/320/EEC.
- 10) An emergency breakaway cable must be fitted to the parking brake linkage and the other end clipped or fixed round a fixture on the towing vehicle so that, in the event of the trailer becoming detached from the towing vehicle, the cable applies the parking brake automatically before snapping itself.
- 11) All tow bars fitted must be of a type approved by the manufacturer of the vehicle and fitted by an approved agent. This is to ensure that untested tow bars are not fitted to vehicles.
- 12) Trailers must have on the rear, two red sidelights, two red stop lamps, an illuminated number plate and two triangular red reflectors plus indicators designed to flash between 60 and 120 times per minute. All lights must be kept in working order. If more than 1.3 metres wide, they must also have at least one red fog lamp. This is to comply with the requirements of the Road Vehicle Lighting Regulations 1989.
- 13) All trailers built after 30 September 1990 require front reflectors.
- 14) No advertising will be permitted on any part of a trailer. This is to comply with current standards and conditions applicable to private hire and hackney carriage vehicle licensing.
- 15) The trailer must be fitted with securely fastening covers, which can be hardtop or canvas tarpaulin type. This is for safety reasons and drivers should ensure that any luggage is securely fastened so as not to present any danger to other road users, passengers or damage to the luggage.
- 16) When the trailer is used with the licensed vehicle, the licence plate issued by the Council, specifically for that trailer, shall be clearly displayed on the trailer. The details provided on this plate refer to the vehicle it is to be used with and not the trailer itself. This is so that the vehicle can be identified from the rear and also to comply with legislation. The cost of the plate will be the same as that for vehicle plates.
- 17) A spare wheel for the trailer must be carried whilst the trailer is in use so that in the event of a puncture the journey would not be delayed any longer than necessary. Space saver type spare wheels are not permitted.
- 18) The vehicle must be insured to tow the trailer.
- 19) A charge will be made payable for the inspection of the trailer which will be recouped from the proprietor of the vehicle.
- 20) A licensed driver will be permitted to tow a trailer whilst driving a licensed vehicle provided that:

- i) the driver holds the appropriate category on his DVLA licence;
- ii) it is the proprietor's/vehicle licensee's responsibility to ensure that the trailer towed by his vehicle complies with the legislation and the Licensing Conditions;
- iii) it is the proprietor's/vehicle licensee's responsibility to ensure that the driver towing the trailer holds the appropriate category DVLA licence.

This policy is to ensure the driver and vehicle owner complies with the law and other legal requirements.



**VEHICLE TEST ARRANGEMENTS**

**Private Hire Vehicle Tests**

Vehicle MOT tests, with the exception of stretched limousines, can be carried out at any MOT testing station provided it is within the Borough of Boston. Stretched limousines will undergo an MOT every 6 months at a testing station nominated by the council (currently the VOSA approved garage at Boston HGV Testing Station Ltd, Riverside Industrial Estate, Marsh Lane, Boston, PE21 7PJ. Telephone 01205 351188).

**Private Hire Meter Tests**

A Private Hire vehicle is not required to fit a taximeter, but if such a meter is fitted it must be correctly calibrated and tested for accuracy. A certificate issued by an approved meter tester must be provided.

**Condition of Vehicle**

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

ALL vehicles for all tests must be fitted with an approved fire extinguisher securely fixed in such a position as to be readily available for use.

In the case of RENEWAL of a licence or a SIX MONTH TEST they must also be fitted with the identification plate, issued by the Council, in the correct place.

The tester may refuse to test a vehicle which in his opinion is unsafe or dangerous. A full list of items to be tested are available on request.

**Driver of Vehicle**

The driver must remain on the tester's premises whilst the test is being carried out and answer any questions. The driver is not allowed in the test bay without the express consent of the tester.

**Vehicle Fails the Test**

The driver will be informed of the reasons for failure. A re-test will have to be subsequently carried out on the vehicle; this must be arranged through the Testing Centre.

**PRIVATE HIRE VEHICLE TEST - REQUIREMENTS IN ADDITION TO THE MOT TEST FOR CLASS IV VEHICLES**

All vehicles which apply for Private Hire Licence status in the Borough of Boston must adhere strictly to the following specification which is required in addition to the vehicle passing the twice yearly inspection to Department of Transport (MOT Test) standards.

**BODYWORK (Exterior)**

**General Condition**

All bodywork must be in good condition and have no visual signs of surface rust showing. All bodywork panels must be free from dents and surface damage.

**Paintwork Condition**

All paintwork must be in good condition and where there is a requirement to replace doors, boots, bonnets or any body panels these must be returned to the original colour of the vehicle before fitting prior to any inspection.

The Vehicle must display the words 'PRIVATE HIRE ONLY' on the metal panel of both front doors of the vehicle when displaying the business telephone number and/or name of the operator. The words 'PRIVATE HIRE ONLY' must be in lettering at least 5cm (approx.2 inches) in size and be of a neat and consistent standard.

**Registration Plates**

Registration plates must be complete, clean and free from any damage.

**Mirrors, Windows, Glass, etc**

All lights, windscreens, windows, direction indicator lenses, reflectors and mirrors must be complete, serviceable, clean and free from any damage. All windscreens and windows must comply with regulations concerning visual transmission of light and freedom from obstruction to vision and are to be kept clean. Windscreen wipers and washers must be maintained in effective working order at all times.

Blacked out windows will be permitted in the passenger compartment of limousines providing the level of tint complies with any regulations applicable regarding the visual transmission of light for these windows.

**BODYWORK (interior)**

**Seats and Upholstery**

All vehicle interiors including seats and upholstery must be in good condition, free from damage, well sprung and be smart in appearance.

### **Floor Condition**

The floor must be sound and covered by adequate carpets or mats. The floor covering should not be as badly worn as would be likely to cause danger to passengers.

### **Seat Belts**

All seat belts, anchorages, fastenings and adjusting devices must be maintained free from obvious defects and kept in good working order.

### **Panel and Interior Lights**

The speedometer should be in working order and be correctly illuminated. All interior and passenger lights, where fitted, should be operative.

### **Doors and Locks**

All doors should open and close easily both from the inside and outside. All doors when shut must be secure. The boot should open easily from the outside.

### **Window Openings**

All windows should open and close by the use of winders or otherwise where fitted.

### **Tyres**

All road wheels and tyres must be the same size except where different sized front and rear wheels and/or tyres are fitted to the vehicle by the manufacturer as standard. (This does not apply when using a space-saver wheel in the circumstances detailed below).

The use, in emergencies only, due to puncture, wheel damage or similar, of a space-saver wheel, run flat tyre(s) (when punctured) or puncture repair kits is permitted for vehicles that are manufactured and delivered with such tyres or kits as standard.

In the event of a space-saver tyre, run flat tyre(s) (when punctured) or puncture repair kit being used, it is only to complete a fare and precise compliance with the manufacturer's recommendations is required. Any such space-saver tyre, run flat tyre (when punctured) or tyre that has been subject to use of a puncture repair kit must be replaced prior to taking another fare.

In cases where a rear loading wheelchair accessible conversion or an LPG conversion where the tank occupies the usual site of the spare wheel is considered suitable to be licensed, the vehicle will be considered exempt from the requirement to carry a spare wheel matching those fitted to the vehicle. This would be subject to the vehicle meeting the luggage criteria and being approved by specialist converters. In these instances a space-saver tyre or puncture repair kit must be carried in the vehicle for use in the event of the above mentioned emergencies only and must be used precisely with the manufacturer's recommendations.



All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle.

Space-saver tyres and full size spare wheels must have a legal tread depth, be kept inflated to the correct pressure and be free from cuts, bulges and any defects. An appropriate means of changing the wheel must also be carried.

**Fire Extinguisher**

The vehicle must be fitted with a fire extinguisher (in proper working order) securely fixed in such a position as to be readily available for use.

**Exhaust System**

The exhaust system must be complete, efficient and not produce any excess noise and smoke.

**SIX MONTH TEST AND RENEWAL OF LICENCE**

**Exterior Council Plate**

The vehicle must be fitted with the identification plate issued by the Council. The plate should be attached to the rear of the vehicle, below window level in a vertical plane (as near as possible) facing to the rear, with none of the plate concealed whatsoever.

**Fire Extinguisher**

The fire extinguisher must be indelibly and clearly marked with the Council vehicle plate number (issued in respect of the vehicle).

**DISCLOSURE(S) FROM THE DISCLOSURE & BARRING SERVICE**

**APPLICANTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE  
DRIVERS' LICENCES**

***As Boston Borough Council meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, all applicants for a hackney carriage or private hire vehicle drivers licence may be subject to a criminal record disclosure from the Disclosure & Barring Service (DBS) before a licence is granted. This will include details of cautions, reprimands or final warnings, as well as convictions.***

**SCOPE**

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

**DISCLOSURE & BARRING SERVICE (DBS) DISCLOSURE**

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

**LEAD COUNTER SIGNATORY**

3. An officer in the Council will take responsibility for use of the Disclosure Service. He or she will be responsible for:-
  - Overseeing the operation of the disclosure procedure within the authority and act as the principal point of contact with the DBS;
  - Ensuring that disclosure requests fall within the terms of the legislation;
  - Ensuring that requests are made at the right time;
  - Ensuring that the provisions of Rehabilitation of Offenders Act 1974 are observed;
  - Ensuring that information received from the DBS is released only to those who need to see it;
  - Ensuring that records are kept securely and for no longer than is necessary;
  - Specify additional counter-signatories to assist in the Disclosure application process.

**ROLES OF THE COUNTERSIGNATORY**

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

## PROCEDURE

5. DBS Disclosures form an integral and important part of the licensing procedures. Other checks, however, to establish a person's integrity and fitness to hold a licence to drive a hackney carriage or PHV will be carried out, and attempts may be made to account satisfactorily for any unexplained gaps in residential addresses.
6. In considering applications from potential licence holders the Council are aware that applicants have to reveal offences which are spent under the Rehabilitation of Offenders Act 1974, and these may be included in any record provided by the DBS. The Council reserves the right to act as a judicial authority in the case of spent conviction(s) involving serious offences (ie death by dangerous driving, drugs, violence, sexual offences or offences of a habitual nature). This means that, the Council may take these into account when they come to light.
7. An applicant will be required to undertake a DBS Disclosure. He/she will be informed in writing when a Disclosure is required.

The Boston Borough Council area is predominately a rural area with limited public transport options. Vulnerable adults and persons under 18 regularly use hackney carriage and PHVs as a means of transport. The logistics of the area are such that these journeys will often be in the early hours of the morning or late at night and be unsupervised. Licensed vehicles are regularly used by parents, guardians, schools and welfare organisations as a means of transporting persons under 18. Furthermore, legislation is such that when waiting on a taxi rank a hackney carriage driver is unable, without reasonable cause, to refuse a hiring from a person under 18. When plying for hire hackney carriage drivers are therefore not in a position to decline hirings from young persons. The majority of hackney carriage and private hire hirings will be unsupervised, placing the driver in a position of trust. When entrusting young persons to the care of licensed drivers, the public expect those drivers to have been through rigorous checking procedures. They expect the licensing system to ensure a high level of protection. For these reasons the Council are of the opinion that a Level of DBS Disclosure is required.

8. The Council will make every effort to confirm the identity of the applicant before the DBS are asked to process a Disclosure. Verification of identity, date of birth, address and any change of name will be obtained. Incomplete or incorrect identification details may invalidate the DBS Disclosure.

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

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

9. When a DBS Disclosure is required, the Council using the official Disclosure Request Form will send the request to the DBS. However the costs are the responsibility of the applicant.

10. The DBS will reply to the applicant either indicating that there is no trace on DBS records of a record which matches the details provided, or that those details appear identical with the person whose record will be attached. The record will contain details of all convictions recorded nationally against that person.
11. It should be noted that the DBS record will not include details of motoring conviction(s). Such information under separate arrangements will be obtained from the Driver and Vehicle Licensing Agency. This will be provided on receipt of a written request, which must include the subject's driver number. The information given will include endorsement/disqualification details.
12. Where the information provided by the DBS differs from that provided by the applicant, and is of significance, the nominated counter-signatory will discuss the discrepancy with the applicant before reaching any final decision in which the nature of the information received is a factor.
13. It is noted that applicants themselves may reveal certain minor convictions or cautions which are not recorded in the national collection of criminal records and, therefore, not included in the convictions provided by the DBS. In general, corroboration of such convictions or cautions will not be sought from the DBS.
14. A person who believes the information provided by the DBS is incorrect and who wishes to make representations to the Council regarding the matter, may do so. Applicants should approach the DBS if they think a mistake has been made on a disclosure.
15. Information as to how your personal information is handled can be found via the DBS Code of Practice at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/474742/Code\\_of\\_Practice\\_for\\_Disclosure\\_and\\_Barring\\_Service\\_Nov\\_15.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/474742/Code_of_Practice_for_Disclosure_and_Barring_Service_Nov_15.pdf).

Hard copies can be provided on request from Taxi Licensing.

### **CHECKS ON PERSONS ALREADY IN POSSESSION OF HACKNEY CARRIAGE/PHV DRIVERS' LICENCES**

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

The Council will not cover the cost of Disclosures in respect of first time and **subsequent DBS checks in line with the Policy requirements** ~~renewal applications for a licence~~. Should a licence holder refuse to co-operate with a request to produce a Disclosure, then the Council will take action accordingly, which could lead to the revocation or suspension of a licence.

### **USE OF INFORMATION**

17. The fact that a person has a criminal record or is known to the police does not necessarily mean that he or she is unfit to hold a driver's licence. The Council will make a balanced

judgement about a person's suitability taking into account only those offences, which are considered relevant to the person's suitability to hold a licence. A person's suitability will be looked at as a whole in the light of all the information available.

18. In deciding the relevance of conviction(s), the Council will bear in mind that offences, which took place many years in the past, may often have less relevance than recent offences. Similarly, a series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction(s). In any event the importance of rehabilitation will be weighed against the need to protect the public.
19. In order to ensure consistent and fair treatment when determining whether or not criminal convictions render an applicant unsuitable to hold a licence, the Council have drawn up detailed policy guidelines containing general criteria against which applications may be considered.
20. Where it is discovered that a driver, licensed prior to implementation of the Criminal Records Bureau (now DBS), had failed to disclose past conviction(s), the Council will consider carefully whether they should now refuse to re-grant the driver licence. In most cases, if those convictions are such that they would now lead to the refusal of a licence, refusal will be considered. If, however, previously unrevealed convictions are discovered which would not now disqualify the individual from holding a license, consideration may be given to granting it.

#### **APPEALS**

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

#### **STORAGE AND DESTRUCTION OF RECORDS**

22. Any information the DBS supply will be of a sensitive and personal nature. It will be used only in connection with the application which gave rise to the request for a Disclosure to be made. The Lead Counter-signatory must ensure it is kept securely while the licensing process takes its course and that the information is not kept for longer than is necessary. An indication on the Council's own record that a DBS disclosure has been carried out may be made but this will not refer to specific offences.

#### **CHECKS ON APPLICANTS FROM OVERSEAS**

23. The council will expect persons who have lived overseas for more than 6 3 months to provide a certificate of conduct or equivalent from the country of residence.

#### **HACKNEY CARRIAGE AND PHV DRIVERS UNDERTAKING CONTRACT HIRE WORK**

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

#### **MONITORING**

25. Where possible the Council will collate the following information in respect of DBS Disclosures:
  - Number of DBS disclosures requested in respect of taxi applicants;
  - Time taken to receive disclosures, and
  - Any apparent difficulties with these arrangements, including the resource implications;

## **APPENDIX G**

### **BOSTON BOROUGH COUNCIL APPLICATION POLICY AND GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND PRIVATE HIRE OPERATORS**

#### **1. Introduction**

- 1.1 The purpose of this policy is to provide guidance on the criteria which are taken into account by the council (Licensing Authority) when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver licence. The policy also relates to applicants for a private hire vehicle operator licence and holders of a current private hire operator licence.
- 1.2 In drafting and adopting these guidelines the Licensing Authority took into consideration the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards issued in July 2020.
- 1.3 The purpose of setting guidelines and standards is to protect children and vulnerable adults, and by extension the wider public, when using hackney carriage and private hire vehicles.
- 1.4 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person.
  - That the person does not pose a threat to the public.
  - That the public are safeguarded from dishonest persons.
  - The safeguarding of children, young persons and vulnerable adults.
  - That the policy ensures fair access, eliminates unlawful discrimination and promotes equality in line with the Public Sector Equality Duty and the 'protected characteristics' - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- 1.5 This policy provides guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:
- Applicants for driver and operator licences
  - Existing licensed drivers and operators whose licences are being reviewed or renewed.
  - Licensing officers
  - Members of the Regulatory & Appeals Committee
  - Magistrates hearing appeals against local authority decisions
- 1.6 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision whether or not to grant a licence. Should there be any doubt, in the Officer's opinion, as to whether the applicant is a "fit and proper" person, then the application will not be granted under delegated power. Such applications will be referred to the Council's Regulatory & Appeals Committee, or a sub-committee of that committee. The Regulatory & Appeals Committee is made up of elected members (councillors). Whilst officers and the committee will have regard to the guidelines

contained in the policy, each case will be considered on its individual merits **but it will take a particular cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.** Where the circumstances warrant, the committee or officer may depart from the guidelines. The reasons for departing from the guidelines must be recorded in the decision.

## 2. General Policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example, where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness. However, the overriding consideration should always be the protection of the public.
- 2.2 A person with a relevant conviction need not be automatically barred from obtaining a licence, but would be expected to show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 A series of offences over a period of time is more likely to give cause for concern than an isolated, minor conviction. A serious view will be taken when an applicant shows a pattern of offending and/or unfitness.
- 2.4 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)] or determine that the applicant should never have been convicted.
- 2.5 A person with a conviction(s) for sexual offences or **connected with illegal sexual activity** or any other serious crime will not normally be issued with a licence.
- 2.6 The Council generally considers that, on some occasions, offence(s) committed by a licensed hackney carriage/private hire driver may need to be considered more seriously than an offence(s) committed by individuals who are not. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.
- 2.7 **Cautions** – Adult cautions are not regarded as convictions, but being admissions of guilt, may be taken into consideration by the Licensing Authority.
- 2.8 **Private Hire Operators** – In view of the significant responsibility held by private hire vehicle operators in terms of setting standards of their company, recruiting drivers and dealing with members of the public, the operator must be a fit and proper person and an example to those whom he/she employs. Therefore the view of the Licensing Authority is that applicants for a private hire operator's licence (and the holders of a private hire operator's licence) must at least fulfil the same requirements as applicants for private hire driver licences in terms of being free from serious convictions or a pattern of unlawful behaviour.

### 3. Pre-requisites to making an application

3.1 It is the policy of the licensing authority that every application for a licence, including applications from existing licence holders, to drive a Hackney Carriage and/or Private Hire Vehicle and be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed) -

- That the applicant has the right to live and work in the country. (All applicants).
- An **up-to-date** Enhanced Disclosure and Barring Services criminal record check and evidence that they are not on a child and/or vulnerable adult barring list. Applicants who have lived overseas for **6 3 (three)** continuous months or more refer to paragraphs 3.2 & 3.3. (All applicants).
- A certificate of their current medical fitness to DVLA Group 2 standard. (See paragraph 3.4)
- A FULL UK or EU driving licence or legal equivalent (if an EU Licence a paper counterpart issued by DVLA must be obtained and produced with the application). (All applicants)
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive. (All applicants)
- That the applicant has a minimum of two year's post qualification driving experience. (Not required for licence renewals)
- The applicant must have satisfactorily completed the Licensing Authority's comprehension test. (Not required for licence renewals)
- In the case of applications for hackney carriage drivers, they have passed the Licensing Authority's knowledge test. (Not required for licence renewals).
- That the applicant has completed the Licensing Authority's safeguarding awareness training. (New applicants and existing applicants prior to their next renewal).
- The applicant has signed a declaration to confirm that they understand the Driver Code of Conduct forms part of the Licensing Authority's Policy. (All applicants)

3.2 It is the policy of the Licensing Authority that every applicant for a licence to drive a hackney carriage and/or private hire vehicle must produce evidence of a current and up to date Enhanced Disclosure and Barring Service (DBS) Check and evidence that they are not on a child and/or vulnerable adult barring list. Applicants for a private hire vehicle operator licence, who do not hold a hackney carriage/private hire driver licence with this authority, will be required to present, at their expense, the result of a current and up to date Basic Disclosure & Barring Service Check. Any enhanced or basic disclosure that is more than 1 month old will not be accepted (except for enhanced disclosures when used in conjunction with the update service and the disclosure was less than 1 month old when first presented for the purpose of obtaining a hackney carriage/private hire vehicle driver licence).



- 3.3 Before an application can be made, if an applicant has spent ~~six~~-three continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check, certificate of good conduct or equivalent, obtained for the purpose of applying for a Hackney Carriage or Private Hire Vehicle Driver or Operator Licence with this council, from the country/countries covering the relevant period.

Such criminal record checks/certificates of good conduct must be provided in accordance with the Home Office Document “*Application processes for Foreign National Criminality Information*”. Any criminal record check must be translated into English by a recognised translation service provider that has been agreed by the Licensing Authority.

- 3.4 All applicants making their first application must lodge a certified medical certificate. A medical certificate will then be required every six years thereafter, unless an applicant’s condition warrants examination on a more regular basis.

An applicant aged 65 years or over must undergo the medical examination every year.

As recommended by the Medical Commission on Accident Prevention the authority requires licence holders to attain DVLA Group 2 Vocational Licence Standard.

Any fee charged by the Doctor is payable by the applicant.

A Medical Practitioner who has full knowledge of the applicant’s medical history must carry out the examination.

Where the Medical Practitioner cannot carry out the eye test this part of the medical form must be completed and the form signed by an optician prior to the medical being carried out.

Medical certificate forms and further information can be obtained from the Licensing Section.

Any applicant who does not meet the DVLA Group 2 Vocational Licence Standard can expect to have their application refused.

Licensed drivers who no longer meet the DVLA Group 2 Vocational Licence Standard, either temporarily or permanently, must notify the Licensing Authority forthwith. In such cases the driver can expect to have their licence either suspended or revoked. Guidance on the DVLA Group 2 Vocational Licence Standards is available from the Licensing Authority.

The Council will not normally accept a certified medical certificate submitted with an application, which is received more than 6 weeks after the Doctor has signed the report.

- 3.5 Licensee self-reporting – Licence holders are required by this Authority to notify the Licensing Team within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope (with the exception of one-off minor traffic offences) will result in a review by this Authority as to whether the licence holder is fit to continue to hold a licence. This will not, however, be seen as a direction that a licence should be withdrawn; it is for the Licensing Authority to consider what, if any, action in terms of the licence should be taken

based on the balance of probabilities.

#### **4. Appeals**

- 4.1 Any applicant refused a driver's licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].
- 4.2 Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he/she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation. Where suspension or revocation is immediate, on the grounds of public safety, the driver cannot continue to drive a hackney carriage or private hire vehicle during the period of appeal.

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

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

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

Where it is in the interests of public safety to suspend or revoke a licence that suspension or revocation can be with immediate effect provided that there are justifiable grounds to do so. The driver will be given a notice of the suspension or revocation which will include a statement that the determination takes immediate effect along with an explanation as to why that is the case.

- 5.2 Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a Private Hire Vehicle Operator Licence if the applicant/licence holder had been convicted of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976. The Licensing Authority may also act on any of the following grounds:
  - Conduct which appears to render him/her unfit to hold a licence;
  - Any material change in the circumstances of the operator; or
  - Any other reasonable cause.
- 5.3 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a hackney carriage/private hire vehicle driver licence, whether spent or not. Therefore the licensing authority may

have regard to all relevant convictions (as defined in this policy), particularly where there is a long history of offending or a pattern of repeat offending. However, before having regard to such a spent conviction the Licensing Authority will first consider whether the conviction is relevant to the licence application.

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

## **6. Consideration of disclosed criminal history**

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

All conviction(s), criminal findings of guilt (including fixed penalty ticket(s)), caution(s) and warning(s), whether for motoring or other offences and County Court Judgment(s)/Order(s) (where the judgment or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator) may potentially be taken into account when deciding whether to grant a licence or on a review after the issue of a licence. During the currency of a licence the licensee must immediately after the date of arrest, convictions, criminal findings of guilt (including fixed penalty notice(s)), caution(s) and/or warnings, advise the Licensing Authority of this information in writing.

The Licensing Authority will consider:

- How relevant the offence(s) are to the licence being applied for (or licence being reviewed).
- 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.
- Any other character check considered reasonable (e.g. personal references).
- Any other factors that might be relevant.

- 6.2 Applicants for a first time licence can discuss what effect a caution/conviction or other sanction may have on any licence application by contacting the licensing office in confidence for advice.

- 6.3 The licensing authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) from any applicant for a driver licence. The licensing authority follows the DBS’s Code of Practice on the fair use of disclosure information and abides by the DBS’s Policy on the secure storage, handling, use, retention and disposal of disclosure information. Both of these documents are available on request.

- 6.4 Applicants applying for the grant or a renewal of a drivers' licence and/or operator licence will be required to obtain an enhanced disclosure at their own expense.
- 6.5 The licensing authority ~~encourages~~ **requires** applicants and licence holders to register for the DBS's update service and to nominate the licensing authority to receive updates. **All licensed drivers will be required to evidence continuous registration with the DBS update service to enable the Licensing Authority to routinely check for new information every six months. Drivers that do not subscribe to the Update Service will be subject to a DBS check every six months.**
- 6.6 DBS certificates obtained for a Hackney Carriage/Private Hire Driver Licence cannot be used for the purpose of obtaining a Lincolnshire County Council School Transport Badge ("Green Badge") and vice versa. DBS certificates obtained for any other purpose, including a Hackney Carriage/Private Hire Driver Licence with another Licensing Authority, cannot be used for the purpose of obtaining a licence with this Licensing Authority. A separate check is required for each authorisation. However, applicants can register both/all checks with the DBS update service for a single fee.
- 6.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
- 6.8 It is an offence for any person knowingly or recklessly to make a false declaration or to deliberately omit any relevant material in submitting information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence may be refused or revoked.
- 6.9 **In the interests of public safety this Authority will not issue a licence to any individual that appears on either of the regulated activity barred lists – Activity with Children and Activity with Adults.**

## 7 **Serious offences involving violence or resulting in death**

- 7.1 Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. ~~An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life unless the circumstances are exceptional.~~ **Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.**
- 7.2 **Where an applicant has a conviction for an offence of violence against the person, 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.**
- 7.3 Given the wide range of the offences that involve violence, consideration will be given to the nature and type of the conviction.
- 7.4 ~~Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:~~

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

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

A hackney carriage/private hire driver found guilty of any of the above offences at paragraph 7.4 should expect to have his/her licence revoked immediately and **not be considered for the grant of a licence until a minimum period of 10 years since convictions (or completion of sentence – whichever is longer) has elapsed.**

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

- Actual bodily harm which is racially aggravated.
- Grievous bodily harm
- Robbery.
- Possession of a firearm.
- Riot.
- Assault of a Police Officer
- Common assault which is racially aggravated
- Violent disorder.
- Resisting arrest.
- Or any **similar** offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.

A hackney carriage/private hire driver found guilty of any of the above offences at paragraph 7.5 should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 10 years since conviction (or completion of sentence if longer) has elapsed.

- 7.6 A licence will not normally be granted where the applicant has a conviction for an offence **below (or similar offence(s) which replace the below offences) or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence and the conviction (or completion of sentence – whichever is longer) is less than 7 years prior to the date of application: and the conviction is less than 5 years prior to the date of application:**

- Racially-aggravated criminal damage.

- Any other racially-aggravated offence.
- Or any **similar** offence (including **attempted or conspiring to commit**), **offences which replace the above.** ~~aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.~~

A hackney carriage/private hire driver found guilty of any of the above offences at paragraph 7.6 should expect to have his/her licence revoked **immediately** and not be considered for the grant of a licence until a minimum period of 10 years since conviction (or completion of sentence whichever is longer) has elapsed.

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

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offence (including attempting or conspiring to commit) offences which replace the above. ~~aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.~~

A hackney carriage/private hire driver found guilty of any of the above offences at paragraph 7.7 should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 5 years since conviction (or completion of sentence if longer) has elapsed.

7.8 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

7.9 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

7.10 **Fixed Penalty Notices (Public Order Offence)** – The Licensing Authority recognises that in some instance a Fixed Penalty Notice (FPN) may be issued for a public order offence rather the option of prosecution through the courts or acceptance of a caution. A serious view will be taken of the existence of a FPN for a public order offence. In certain circumstances where a FPN has been issued it may be appropriate for the Licensing Authority to issue a strong warning regarding future conduct rather than the refusal of a licence application or suspension/revocation of a licence. The existence of more than one FPN will raise serious concerns regarding an individual's suitability to act as a licensed driver.

## 8. Possession of a weapon

- 8.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give rise to serious concern as to whether the person is fit to carry the public. ~~Depending on the circumstances of the offence, an applicant should be free of conviction for at least 3 years (or since completion of the sentence if longer) before an application for a licence is considered.~~ **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 seven years have elapsed since the completion of any sentence imposed.**
- 8.2 A hackney carriage/private hire vehicle driver found guilty of an offence involving a weapon(s) should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of ~~5~~ **7** years since conviction (or completion of sentence if longer) has elapsed.

## 9. Sexual and indecency offences **and exploitation**

- 9.1 Licensed drivers often carry unaccompanied and vulnerable passengers, therefore applicants with convictions for sexual offences will normally be refused a licence.
- 9.2 In particular, an application will ~~normally~~ be refused where the applicant has a conviction for a ~~sexual or indecency offence(s) such as:~~ **an offence of attempting, conspiring to commit, aiding and abetting or procuring such offences such as:**
- Rape
  - Assault by penetration
  - Offences involving children or vulnerable adults
  - Sexual assault
  - Indecent assault
  - Exploitation of prostitution
  - Trafficking for sexual exploitation
  - Any offence involving child sexual exploitation and/or sexual exploitation of vulnerable adults
  - Possession of indecent photographs, child pornography etc.
  - Any sex or indecency offence that was committed in the course of employment as a hackney carriage/private hire vehicle driver
  - Indecent exposure
  - Soliciting (kerb crawling)
  - Or any offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.
- 9.3 A hackney carriage/private hire vehicle driver found guilty of a sexual or indecency offence during the period of a licence should expect to have his/her licence revoked immediately. ~~It is unlikely that anyone in this situation will ever be licensed again.~~ **He/she can expect not to be licensed again.**
- 9.4 In addition to the above the licensing authority will not ~~normally~~ grant a licence to any applicant who is currently on the Sex Offenders Register **or on any Barred List.**

- 9.5 **Exploitation** – where an applicant or licensee 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 be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.
10. **Discrimination**
- 10.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
- 10.2 A licence holder found guilty of a discrimination offence can expect to have his/her hackney carriage or private hire vehicle driver's licence revoked immediately. It is unlikely that anyone in this situation will ever be licensed again until a period of at least seven years have elapsed since the completion of any sentence imposed.
11. **Dishonesty**
- 11.1 Hackney Carriage and Private Hire Vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday, is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any lost property being kept by an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty.
- 11.2 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
- 11.3 ~~Normally, a minimum period of 5 years free of conviction (or from completion of sentence if longer) should be required before granting a licence. Offences involving dishonesty include:~~
- Offences involving dishonesty include:**
- theft
  - burglary
  - fraud
  - benefit fraud
  - handling or receiving stolen goods
  - forgery
  - conspiracy to defraud
  - obtaining money or property by deception
  - other deception
  - taking a vehicle without consent



- and any similar offences
- Or any offences (including attempting, conspiring to commit, aiding and abetting or procuring such offence) or any offence which may replace the above or be considered as serious as the above.

A licensed hackney carriage/private hire vehicle driver found guilty of a dishonesty offence should expect to have his/her licence revoked and not be considered for the grant of a licence until a minimum period of 7 years after conviction (or completion of sentence if longer).

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

## 12. Drugs

- 12.1 A serious view will be taken of any drug related offence.

- 12.2 ~~A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for at least 5 years or at least 5 years from the completion of sentence if longer.~~

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Additional wording requested by the Sub-group:-

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 an application is considered. If the applicant was an addict then they would normally be required to show evidence of at least 5 years free from drug taking after detoxification treatment.

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

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Additional wording requested by the Sub-group:-

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 an application is considered. If the applicant was an addict then they would normally be required to show evidence of at least 5 years free from drug taking after detoxification treatment.

- 12.4 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before an application is considered. If the applicant was an addict then they would normally be required to show evidence of at least 5 years free from drug taking after detoxification treatment.
- 12.5 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.
- 12.6 A hackney carriage/private hire vehicle driver found guilty of driving whilst under the influence of drugs, or found guilty of any drug-related offence should expect to have his/her drivers licence revoked immediately and ~~not be considered for the grant of a licence until free of conviction (or completion of sentence if longer) for at least 5 years.~~ **be banned from holding such a licence with the Council for 10 years since conviction (or completion of sentence – whichever is longer).**

### 13. Driving offences involving the loss of life

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

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

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

A hackney carriage/private hire driver found guilty of any of the above offences should expect to have his/her licence revoked immediately.

### 14. Drink driving or driving under the influence of drugs and/or alcohol

- 14.1 **In a motor vehicle** - A serious view will be taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident may not necessarily permanently bar an applicant but strict warnings should be given as to future behaviour. More than one conviction for such offences should give rise to serious doubts as to the applicant's fitness to hold a licence.
- 14.2 At least ~~3~~ **7** years should elapse (after the restoration of the DVLA driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is alcohol dependent, a special medical examination should be arranged before the application is considered. If the applicant is found to be alcohol dependent, a period of ~~5~~ **7** years should elapse after treatment is complete before an application/further licence application is considered.

A Hackney Carriage/Private Hire Driver found guilty of a drink-driving offence or found guilty of driving whilst under the influence of drugs should expect to have his/her drivers licence revoked immediately and not be considered for the grant of a licence until at least ~~5~~ **7** years after restoration of the DVLA driving licence.

14.3 **With a licensed vehicle** - A driver found guilty of a drink-driving offence or driving whilst under the influence of drugs whilst carrying passengers in a licensed vehicle should expect to have his/her driver's licence revoked immediately and not be considered for the grant of a licence until a minimum period of 7 years after the restoration of the DVLA driving licence.

## 15. Major Traffic Offences

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

15.2 Similarly, a first conviction during the period of a hackney carriage/private hire vehicle drivers licence will indicate that the driver may have ceased to be a fit and proper person and will lead to either a licence suspension or to a warning as to future conduct. Where there are subsequent convictions revocation of the licence will be considered with no further application being considered until a period of 3 years from conviction has elapsed.

15.3 **Applicants/drivers who have been disqualified from driving due to major traffic offences (Not involving the loss of life)** – Existing drivers can expect to have their licence revoked. At least 3 years should elapse (after the restoration of the DVLA Licence) before an individual is considered for a hackney carriage/private hire vehicle driver's licence.

## 16. Insurance offences (with a motor vehicle)

16.1 A serious view will be taken of convictions for using, or causing or permitting the use of a motor vehicle without insurance. An isolated incident in the past will not necessarily prevent a licence being granted provided the applicant has been free of conviction for at least 3 years. However, a strict warning should be given as to future conduct.

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

16.3 A licensed driver found guilty of driving passengers in a licensed vehicle without insurance should expect to have his/her hackney carriage or private hire vehicle driver licence revoked **immediately** and not be considered for another licence for at least 5 years.

16.4 An operator found guilty of causing or permitting the driving of passengers for hire and reward whilst without insurance will normally have his operator licence revoked and will not be considered for holding a licence for at least 5 years.

## 17. Using a mobile phone whilst driving

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

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

- 17.2 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed alcohol up to the legal limit. In light of this a serious view should be taken of convictions for driving whilst using a mobile phone.
- 17.3 ~~Any applicant for a new licence who has, within the 3 years preceding the licence application, been convicted for an offence of using a mobile phone whilst driving will be referred to a sub-committee of the Regulatory & Appeals committee for their application to be considered. Their application may be refused and will normally be refused where there is more than one conviction for this offence.~~

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

- 17.4 ~~A licensed driver who is convicted for an offence of using a mobile phone whilst driving will be referred to a sub-committee of the Regulatory & Appeals Committee and can expect the suspension or revocation of their licence.~~

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

## 18. Other Traffic Offences

- 18.1 ~~Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring offences may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.~~
- 18.2 ~~Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.~~

### New Applicants

- 18.3 Any conviction for other traffic offences, (e.g. obstruction, waiting in a restricted street, speeding etc) should not normally prevent a person from proceeding with an application. However, the number, type

and frequency of this kind of offence will be taken into account. In certain instances it may be appropriate to issue a licence together with a strong warning as to future driving standards. If a significant history of offences is disclosed, refusal of an application may result.

- 18.4 New applicants who have received 9 or more DVLA penalty points (in respect of minor traffic offences) on their driving licence during the 12 months prior to the date of application may be refused.
- 18.5 Applicants who have been disqualified from driving under the “totting-up” procedure will not normally be granted a licence unless they have held a licence for at least 2 years following the expiry period of the disqualification and can show a significant improvement in history of motoring offences during that period.

### **Existing Licence Holders**

- 18.6 A hackney carriage/private hire vehicle driver receiving 6 or more penalty points during any 3 year period will be issued with a written warning as to future conduct.
- 18.7 Any current driver disqualified from holding a DVLA licence under the “totting-up” procedure should expect to have his/her hackney carriage/private hire vehicle driver licence revoked. At least 3 years should then elapse (after the restoration of the DVLA licence) before he/she is considered for a licence and then a licence should only be granted if he/she can show a significant improvement in a history of motoring offences during that period.
- 18.8 In the case of an existing hackney carriage/private hire vehicle driver where the “totting-up” disqualification of a DVLA licence is considered by the court, even if the court does not disqualify, the Council is likely to revoke the hackney carriage/private hire vehicle driver licence. At least 3 years should elapse either after the date of consideration by the court or restoration of the DVLA licence, whichever is the longer, before the individual is considered for a licence.
- 18.9 In the case of an existing hackney carriage/private hire vehicle driver, who show a pattern of driving endorsements, the Licensing Authority reserves the right to require such a driver to successfully undergo the Taxi and Private Hire Driving Assessment provided by the Lincolnshire Road Safety Partnership and attain a low risk assessment (or other assessment by a similar body approved by the Licensing Authority).
- 18.10 Any driver who receives a short period disqualification can expect to receive a warning regarding future conduct and may also be required to attend the Taxi and Private Hire Driving Assessment provided by the Lincolnshire Road Safety Partnership and attain a low risk assessment (or other assessment by a similar body approved by the Licensing Authority). In cases where the drivers licence is already endorsed with penalty points the driver can expect their licence to be suspended along with a requirement to attend an assessment course. In cases where there is a pattern of offences the driver can expect their licence to be revoked and not be considered for another licence for at least 3 years.
- 19. Drunkenness (Not in a Motor Vehicle)**
- 19.1 A single conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination. In some cases, a warning may be sufficient.

19.2 In cases of severe alcohol abuse, a period of 5 years after the last conviction must elapse before an application is considered and then only after examination by a consultant with a special interest in such cases with confirmation being provided of satisfactory liver enzyme tests and mean cell volume (MCV).

## **20. Licensing offences**

20.1 One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences, or a possible pattern of unlawful behaviour, under the hackney carriage and private hire licensing regime.

20.2 Certain offences under hackney carriage legislation such as plying for hire without a hackney carriage licence, overcharging and refusing to carry disabled persons would normally result in refusal to grant or renew a licence until a period of at least 3 years has passed since conviction. A licensed driver with such a conviction can expect their licence to be revoked and not be considered for another licence for at least 3 years.

20.3 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence, or in the case of an existing licence holder, suspension or revocation can be expected.

## **21. Smokefree – Hackney Carriages and Private Hire Vehicles**

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

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

## **22. Perverting or attempting to pervert or conspiring to pervert the Course of Justice**

22.1 At least 3 years should elapse since conviction (or completion of sentence if longer) before an applicant is considered for a licence.

22.2 A licence holder found guilty of such an offence should expect to have his/her licence revoked and not be re-considered for a licence until a minimum period of 5 years has elapsed since conviction (or completion of sentence if longer).

## **23. Immigration Offences**

23.1 Where a licence holder has been served an immigration penalty, or convicted of an immigration offence, the licence will be revoked by this Authority.

23.2 Similarly, any licence applicant who has been served an immigration penalty, or convicted of an immigration offence, is unlikely to be granted a licence by this Authority.

## **24. Outstanding charges or summonses**

- 24.1 If the individual is the subject of an outstanding charge or summons their application can be processed, but the application will be reviewed at the conclusion of any outstanding proceedings. However, if the outstanding charge or summons involves a serious offence then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

## **25. Non-conviction information**

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

## **26. Once a licence has been granted**

- 26.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.
- 26.2 Unless otherwise stated, all of the preceding contents of this policy document apply equally to current hackney carriage/private hire vehicle drivers as they do to licence applicants

## **27. Licences issued by other licensing authorities**

- 27.1 Applicants who already hold a licence with another licensing authority should not assume that a similar application will be granted by this Authority. Each case will be decided on its own merits.
- 27.2 ~~Licensees who are licensed by more than one authority are expected to inform each of those authorities about every licence they hold and to advise each authority of any changes in this respect. Licence holders should expect those authorities to share information regarding their conduct and to take it into account as appropriate.~~

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

## **28. Conclusion**

- 28.1 To conclude, a criminal history in itself may not automatically result in refusal of a licence and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant will be expected to remain free from

conviction for between 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed. ~~For the most serious crimes, except in exceptional circumstances, a licence will not normally be granted.~~

- 28.2 While it is possible that an applicant may have a number of convictions that, individually, would not prevent him/her from being licensed, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public. This consideration is vital because hackney carriage/private hire licence holders have unprecedented access to the public and are in a position to exercise control over individuals including children and vulnerable adults.
- 28.3 The Council generally considers that offences committed by licensed hackney carriage/private hire vehicle drivers should be considered more seriously than offences committed by individuals who are not licensed. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.
- 28.4 Whilst officers and the committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.

## **29. Review of Policy**

- 29.1 This Policy Statement will remain in existence until superseded and will be subject to review and further consultation before the end of 2027. However, following consultation, the Council may make revisions to it as deemed necessary before the 2027 date.

These policy guidelines were last revised and updated in March 2022.



### **CODE OF CONDUCT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

Hackney Carriage and Private Hire Drivers (referred to in this document as drivers) are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its licensing team and committee, has to ensure that all drivers are 'fit and proper' to undertake their work as drivers and that they also act as ambassadors for the district. It is essential that the council and drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

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

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

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

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

#### **Drivers should:**

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

#### **And be aware of:**

- The safety and well-being of passengers being paramount
- The importance of the use of appropriate language
- The vulnerability of children and persons with special needs.
- Any instruction given about the care or first aid requirements of a passenger

- Possible caution required when dealing with passengers in distress
- Personal beliefs and standards, including dress and religion
- Passengers misreading situations
- The use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a driver's site. Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites

### **Drivers should never:**

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism.
- Make physical contact with a passenger, unless in an emergency situation, or if required to do so because of the additional needs of the passenger.
- Administer medication unless a specific request has been made by the hirer.
- Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office.
- Engage with passengers who are children or vulnerable adults through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games
- Phone or send text messages to passengers other than directly concerning the hiring of your vehicle
- Swear at/in front of passengers or make personal/humiliating comments at/in front of passengers or tell inappropriate jokes to passengers
- Offer sweets, cigarettes or gifts of any sort.
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer.
- Show passengers inappropriate videos or pictures on your mobile phone or any other electronic device.
- Make inappropriate comments about other drivers, proprietors or operators to other persons either verbally, on social media or otherwise.

### **Safeguarding:**

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

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

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

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

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

(Adopted 9 June 2015)

### PRIVATE HIRE VEHICLE OPERATOR – LICENCE CONDITIONS

1. Every person to whom a licence under Section 55 of the Local Government (Miscellaneous Provisions) Act, 1976, has been granted by this Council shall keep a record of the following particulars of every booking of a Private Hire Vehicle invited or accepted by him/her, whether by accepting the same from the hirer or by undertaking it at the request of another licensed operator and shall produce such records on request to any authorised Officer of the Council or any Constable for inspection:-

- ~~(a) — Date and time of each booking.~~
- ~~(b) — Date and time of each journey.~~
- ~~(c) — Commencement and destination of each journey.~~
- ~~(d) — Name of hirer.~~
- ~~(e) — Charge.~~

- (a) The name of the passenger
- (b) The date and time of the request
- (c) The pick-up point
- (d) The destination
- (e) The name of the driver
- (f) The driver's badge number
- (g) The vehicle registration number of the vehicle
- (h) The name of the individual that responded to the booking request
- (i) The name of any individual that dispatched the vehicle

All booking records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry. If a computer system is used, the operator must be able to provide a print-out of all required booking details.

2. The operator shall keep records of the particulars of all private hire vehicles operated by him/her, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with the details of the private hire vehicle licence including number issue and expiry dates. All vehicle records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry. If a computer system is used, the operator must be able to provide a print-out of all required details.
3. No person shall operate a Private Hire Vehicle without:-
  - (i) The vehicle is licensed under Section 55 of the Act;
  - (ii) The driver has a current licence under Section 51 of the Act.
4. No Private Hire Vehicle shall ply for hire in the Borough. Every contract for the hire of a Private Hire Vehicle licensed under Section 56 of the Act shall be deemed to be made with the Operator who accepted the booking for that vehicle whether or not he/she accepted the booking.

5. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-
  - (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
  - (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
  - (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
6. The operator is not required to fit a taximeter to a private hire vehicle, but any vehicle so equipped shall **NOT** be operated until the taximeter has been previously tested and sealed by the Council's testing station and a meter inspection report lodged with the Council.
7.
  - (a) The operator may charge whatever fare has been agreed between him/her/herself and the hirer before the commencement of the journey. However, he/she shall inform the Council of the basic scale of fares intended to be charged and give the Council at least one calendar month's notice of any changes proposed thereto.
  - (b) The operator shall display visibly inside a private hire vehicle a current list of his/her basic scale of charges for inspection by passengers.
8. Where any complaint is made against a private hire vehicle driver, then the complainant shall be requested to put that complaint in writing immediately and submit it to the Council or the Operator who shall in turn within 48 hours of receipt of the complaint notify the Licensing Authority.
9. The operator shall notify the Council in writing of any change of his/her address (including any address from which he/she operates or otherwise conducts his/her business as an operator) during the period of the licence, within seven days of such change taking place.
10. The operator shall within seven days disclose to the Council in writing details of any conviction(s) imposed on him/her (or if the operator is a company or partnership, on any of the Directors or Partners) during the period of the licence.
11. The operator shall ensure that any driver employed by the operator or working from the operator's premises holds a current Private Hire Driver's Licence issued by Boston Borough Council.
12. The operator shall at all times operate his/her private hire business in compliance with the terms of Part II of the Local Government (Miscellaneous Provisions) Act, 1976, and failure so to do may result in the licence being suspended or revoked.
13. Private hire vehicles may not refuse to carry a guide, hearing or prescribed assistance dog belonging to a passenger, unless the driver has a proven medical condition that would preclude such action. No additional charge must be made to carry a guide, hearing or other

prescribed assistance dog belonging to a passenger.

14. Following the issue of an operator licence the licence holder is required to submit to this Authority an up-to-date result of a Basic DBS Check on an annual basis.

Guidance regarding the licence condition: this means that a check must be obtained and supplied in respect of a sole individual, or each individual where the licence is held by multiple individuals, or each director of a limited company licence holder.

DBS certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 1 month before the date on which the certificate is submitted to this Authority.

This requirement will not relate to any individual holding a current private hire or hackney carriage driver's licence issued by Boston Borough Council and that person has:

- Signed up to the DBS Update Service; and
- Completed this Authority's "DBS Update Service Authorisation form"

15. Booking and Dispatch Staff - where the holder of this licence employs a person or persons to take vehicle bookings (be it by phone or in person) and/or a vehicle dispatcher or dispatchers (who decide which driver to send to a user), then the following shall apply:

- The licence holder shall maintain a register detailing all staff that will take bookings or dispatch vehicles.
- The licence holder shall ensure that Basic DBS checks are conducted on all current individuals on the register and any individuals added to the register and that the DBS certificate provided by the individual has been recently issued when viewed.
- The licence holder shall be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff.

Guidance regarding Licence Conditions: some private hire vehicle operators will be employing persons to take vehicle bookings (be it by phone or in person) and vehicle dispatchers who decide which driver to send to a user.

In line with the requirement laid down in the Statutory Taxi and Private Hire Vehicle Standards, issued by the Department of Transport, any operator licence granted or renewed by this Authority is subject to the above licence condition requiring the licence holder to maintain a register of all staff that will take bookings or dispatch vehicles.

In addition, the licence condition will require the operator to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff. The condition requires the operator to ensure that Basic DBS checks are conducted on any

individuals added to the register and that the certificate provided by the individual has been recently issued when viewed.

In order to undertake the above requirement operators will need to adopt a written policy on employing ex-offenders.

When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator/employer of any convictions while they are employed in this role.

The register should be a 'living document' that maintains records of all those in these roles for the same duration as the hire booking records are kept - this will enable cross-referencing between the two records.

A record that the operator has had sight of a Basic DBS Certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new Basic DBS Certificate should be requested and sight of this recorded.

16. Employing Ex-offenders - a licence holder employing Booking & Dispatch Staff must hold and maintain a Policy on Employing Ex-Offenders.

Guidance regarding Licence Condition: This Authority recommends that the policy indicates that those with a current (unspent) conviction for any of the offences listed below, would not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a licensed vehicle:

- Crime resulting in death
- Exploitation
- Offence involving violence against the person
- Possession of a weapon
- Sexual offences
- Dishonesty
- Drugs
- Discrimination

17. Use of Passenger Carrying Vehicle (PCV) Licensed Drivers - the use of a driver who holds a PCV licence and the use of a Public Service Vehicle (PSV) to undertake a private hire vehicle booking will not be permitted without the informed consent of the booker.

Guidance regarding Licence Conditions: in line with the requirement laid down in the Statutory Taxi and Private Hire Vehicle Standards, any operator licence granted or renewed by this Authority will be subject to the above licence condition. Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licensed driver will be used who is subject to a different level of licensing checks and not required to have an Enhanced DBS check.

## **NOTES:**

**Appeal** – Applicants aggrieved by any of the conditions attached to this licence, including both these standard conditions and any further conditions imposed in respect to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with Sections 55 and 77 of the Local Government (Miscellaneous Provisions) Act 1976.

**Data Protection:** Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

<https://ico.org.uk/>



**PRIVATE HIRE DRIVER – LICENCE CONDITIONS**

1. **Change of Address or Employer**

The driver must notify the Council in writing of any change of his/her address or employer during the period of the licence within seven days of such change taking place.

2. **Driver's Badge**

- (a) When driving a Private Hire Vehicle the driver is required to attach the badge issued by the Council to his/her jacket or similar garment, in such position and manner to be plainly and distinctly visible to the passengers.
- (b) The badge (which remains the property of the Council) must be returned to the Council, either at the termination of this licence or when moving from the Borough and ceasing to be a Private Hire Driver.
- (c) If a driver's badge and/or licence is misplaced or lost the driver must notify the Council immediately.

3. **Conduct of Driver**

The driver shall:-

- (a) Afford all reasonable assistance with passengers' luggage.
- (b) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
- (c) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- (d) Not without the express consent of the hirer, drink, eat or play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (e) 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.
- (f) Not to tout or solicit or cause or procure any other person to tout or solicit in any public place any person to hire or be carried for hire in any Private Hire Vehicle nor proceed along the highway for the purpose of plying for hire.
- (g) The driver shall at the request of any authorised Officer of the Council or any Constable produce for inspection his/her official driver's licence forthwith or;
- (h) In the case of a request by an authorised Officer, before the expiration of the period of five days beginning with the day following that on which the request was made at the above address;
- (i) In the case of a request by a Constable before the expiration of the period stated by the Officer at any Police Station which is within the Borough and is nominated by the driver when the request is made.
- (j) The driver of a private hire vehicle shall not without reasonable cause unnecessarily prolong in distance or in time, the journey for which the private hire vehicle has been hired.

4. **Passengers**

- (a) The driver shall not convey or permit to be conveyed in the vehicle a greater number of persons than that indicated on the licence plate issued by the Council of any licensed vehicle being driven by him/her or in his charge.
- (b) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

5. **Lost Property**

- (a) The driver shall immediately after the termination of any hiring of a Private Hire Vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- (b) If any property accidentally left in a Private Hire Vehicle by any person who may have been conveyed therein is found by or handed to the driver, he shall take it as soon as possible and in any event within 24 hours to a convenient Police Station and leave it in the custody of the Officer in charge on their giving a receipt for it. (Or take it to the Council's Licensing Office).

6. **Written Receipts**

The driver shall if requested by the hirer of a Private Hire Vehicle provide him/her with a written receipt for the fare paid.

7. **Guide, Hearing or Prescribed Assistance Dog and other Animals**

The driver shall not convey in a Private Hire Vehicle any animal belonging to or in the custody of him/herself or the proprietor or operator of the vehicle.

If the private hire vehicle being driven by the driver has been hired:

- (a) by or for a disabled person with their guide, hearing or prescribed assistance dog; or
- (b) by a person who will be accompanied in the private hire vehicle by such a disabled person;  
he/she must:
  - (a) carry the disabled passenger's dog and allow it to remain with the passenger; and
  - (b) not make any additional charge for doing so.

Any driver with a medical reason for not complying with this condition must obtain a medical certificate from his/her registered medical practitioner to exempt him/her from this condition and lodge the aforementioned certificate with the Council. Any payment of such a certificate will be paid by the licence holder.

Any other animal belonging to or in the custody of any passenger which in the driver's discretion may be conveyed in the vehicle shall only be conveyed in the rear of the vehicle. At the termination of any such hiring the driver will ensure that the seat occupied is cleared of all fur/hair before accepting another fare.

8. **Prompt Attendance**

The driver of a Private Hire Vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause. If for any reason whatsoever the driver is unable to attend at the appointed time and

place, he shall take immediate steps to report his circumstances to the proprietor or operator of the vehicle to enable alternative arrangements to be made.

9. **Taximeter**

If a Private Hire Vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

10. **Fare to be Demanded**

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

11. **Licensee Self-reporting**

~~The driver shall notify the Council in writing of any conviction(s) imposed upon him/her during the period of the licence within seven days thereof including the date, the Court, the offence and the penalty.~~

Licence holders will be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not, however, be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. A failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

**PRIVATE HIRE VEHICLE – LICENCE CONDITIONS**

1. The proprietor of a Private Hire Vehicle shall report to the Council as soon as reasonably practicable, or in any case within 72 hours, of the occurrence of any accident to such vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
2. Every Private Hire Vehicle (together with any taximeter therein) licensed by the Council must be inspected on at least two separate occasions in every 12 months. The inspection will be carried out at the Council's garage, and the proprietor is responsible for the making of arrangements for such inspections. The first inspection must be made in the fifth month following the date of the licence and the second immediately prior to the renewal of the licence.
3. A Private Hire Vehicle shall not be used before the identity plate issued by the Council has been affixed to the rear of the vehicle, in a conspicuous position, to the satisfaction of the Council.
4. The proprietor of the vehicle shall return the identity plate within seven days of the expiration, suspension or revocation of a Private Hire Vehicle Licence.
5. The vehicle must not carry a greater number of persons than that indicated on the vehicle licence plate issued by the Council.
6. A Private Hire Vehicle shall **NOT** be used to ply for hire within the Borough.
7. A Private Hire Vehicle shall not display any signs on or from the vehicle as to lead any person to believe that the vehicle is a Hackney Carriage.

No sign shall be permitted to be displayed on the vehicle other than:-

- (i) Signs which must be displayed by law or under the licence conditions;
  - (ii) The business telephone number of the vehicle operator.
  - (iii) The name of the operator or his/her firm PROVIDED that no name shall be permitted to be displayed which incorporates the terms "taxi(s)", "cab", "hackney carriage" or any other term which might lead a member of the public to believe that the vehicle is a Hackney Carriage.
  - (iv) When displaying the business telephone number and/or the name of the operator the vehicle **MUST** display the words "PRIVATE HIRE ONLY" on the metal panel of both front doors of the vehicle. The lettering must be at least 5cm (2") in size and be of a neat and consistent standard.
8. The vehicle shall **NOT** be fitted with a roof sign.
  9. There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a fire extinguisher which shall be securely fixed to the vehicle in such a position as to be readily available for use. The extinguisher shall be indelibly and clearly marked with the vehicle plate number (issued in respect of the vehicle).

10. The vehicle and all of its fittings and equipment shall at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition.
11. The operator is not required to fit a taximeter to a private hire vehicle, but any vehicle so equipped shall NOT be operated unless the taximeter has been previously tested and sealed by the Council's testing station and a meter inspection report lodged with the Council.
12.
  - (a) The operator may charge whatever fare has been agreed between him/her and the hirer before the commencement of the journey. However, he/she shall inform the Council of the basic scale of fares intended to be charged and give the Council at least one calendar month's notice of any changes proposed thereto.
  - (b) The operator shall display visibly inside the vehicle a current list of his/her basic scale of charges for inspection by passengers.
13. The operator shall notify the Council in writing of any change of his/her address during the period of the licence within 7 days of such change taking place.
14. The operator shall at all times operate the vehicle in compliance with the terms of Part II of the Local Government (Miscellaneous Provisions) Act, 1976, and failure to do so may result in the vehicle licence being suspended or revoked.
15. The private hire vehicle must carry a guide, hearing or prescribed assistance dog belonging to a passenger, unless the driver has a proven medical condition that would preclude such action. No additional charge must be made to carry a guide, hearing or other prescribed assistance dog belonging to a passenger.



## WHEELCHAIR ACCESSIBLE VEHICLES

**Hackney Carriage Vehicle Licences will not be issued to vehicles being presented to be licensed to carry 5 or more passengers unless such vehicles are immediately wheelchair accessible (i.e. the vehicle must be capable of accommodating a disabled passenger whilst seated in his/her wheelchair). The requirement to remove seats in order to accommodate a wheelchair will not be accepted; seats which fold to allow a wheelchair to be accommodated will be accepted.**

This Authority's minimum requirements with regard to a wheelchair accessible vehicle are:-

- (a) That it can accommodate a disabled passenger whilst seated in his/her wheelchair (there must be adequate headroom for the passenger). For this purpose a "wheelchair" is a reference wheelchair as defined in The Public Service Vehicles Accessibility Regulations 2000.

The dimensions for a reference wheelchair are defined as having

- total length of 1200mm, including extra-long footplates
  - total width of 700mm
  - sitting height (from ground to top of head) of 1350mm
  - height of footrest above floor of 150mm
- (b) That the rear/side door used for wheelchair access must be capable of opening as wide as the aperture. A single rear door must be open to a minimum of 90 degrees and for twin rear doors both must open to a minimum of 90 degrees.
- (c) The doorway should provide a minimum of 1220mm in its central third measured from the upper centre of the aperture to a point directly below on either the upper face of the fully raised lift platform or the upper face of the ramp fully deployed on ground level . The door aperture must be wide enough to accommodate a reference wheelchair and have a minimum width of 740mm of unobstructed space.
- (d) There should be sufficient space within the vehicle to accommodate a reference wheelchair. The floor area required for the wheelchair should be at least 750mm x 1250mm with minimum headroom over the area of 1350mm. There must be sufficient space, where applicable, to turn the wheelchair.
- (e) All wheelchair tracking must be fit for purpose and structurally sound.
- (f) A system for securing the occupant in the wheel chair and a system for effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair space. Wheelchair anchorage systems and devices must conform to European Directive 76/115 EEC (as amended). Additional hand-holds and a step should be provided
- (g) Either a purpose designed wheelchair access ramp or a purpose designed wheelchair lift must be provided.
- (h) Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The ramp shall have visible reference to a safe working load of at least 250kgs and reference that it is certified to BS 6109. Ramps must be capable of being securely fitted when in use and securely installed in the designated storage area at all other times. Ramps must be

free from damage, deformity and sharp edges etc. Ramps must be provided with an anti-slip covering.

- (i) Any purpose designed wheelchair lift shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). A report, confirming that the lifting equipment is safe to use shall be presented at the time the annual and 6 monthly vehicle inspection certificate is provided to the council. Vehicles will require a certificate that is valid for a period of 6 months from the date of issue. The lift must be capable of being secured in a suitable and satisfactory position when the vehicle is in motion.
- (j) Vehicles shall comply in all respects, and at all times, with current road traffic legislation.
- (k) Vehicles shall comply with the European Community M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least 4 wheels designed and constructed for the carriage of passengers.
- (l) Vehicles that have been originally classified as complying with M1 type approval but have undergone modifications or conversions since original manufacture will be considered suitable provided they are presented with the relevant Individual Vehicle Approval (IVA) or Single Vehicle Approval (SVA) certificate or equivalent issued by the Driver and Vehicle Standards Agency (DVSA).
- (m) Any wheelchair accessible vehicle originally given European Community N type approval will be considered unfit for the purpose and will not be considered suitable to be licensed. The definition of a category N type approval is any motor vehicles with at least four wheels designed and constructed for the carriage of goods.

Grandfather rights will apply to vehicles already licensed by the date on which this policy comes into effect. They will be allowed to continue until the end of their useful life, subject to their compliance with all relevant test and inspection requirements.

Once a vehicle licence has expired then Grandfather rights will no longer apply. Applicants wishing to re-licence that vehicle in the future will be required to adhere to the above Wheelchair Accessible Policy requirements.

Vehicles which have been licensed for private hire and not identified as wheelchair accessible must adhere to the above Wheelchair Accessible Policy if they wish to be licensed as a Hackney Carriage Vehicle.

\*Grandfather rights do not apply with respect to requirement that ramps are indelibly marked with the vehicle registration number.