Taxi and Private Hire Licensing Policy
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Taxi and Private Hire Licensing Policy: 2022 to 2026

Barnsley Metropolitan Borough Council

The need for a policy

1.1 This is the policy of Barnsley Metropolitan Borough Council ('the Council') in respect of its powers when exercising taxi and private hire licensing functions.

1.2 The Department for Transport (DfT) has recommended that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include policies on convictions, a 'fit and proper' person or 'suitability' test, conditions of licence and vehicle specifications and standards.

1.3 When formulating any taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public by ensuring that the licensing regime protects the vulnerable.

1.4 In order to reflect any changes in the taxi and private hire sector, either locally or nationally, the Council undertakes to review this policy at least once every five years but will also consider a policy review at any time should there be significant issues arising in the interim.

Introduction

2.1 The Barnsley Future Council plan defines an achievable vision for the future in which Barnsley is an innovative and vibrant 21st Century market town at the centre of a modern dynamic economy and is a great place to live. Priorities to transform the Borough include plans for regeneration of the town centre, which will provide a safe, vibrant and diverse environment whilst achieving a new and sustainable economic future.

2.2 The urban core of Barnsley is home to 82,000 people. Barnsley town centre is the focus for the Borough's main shopping, administrative, commercial and entertainment activities. It has long been famous for its market, and more recently has become noted for its expanding club scene and night life. To the west of the urban core is the lightly populated attractive hilly country centred on the neighbouring market town of Penistone. To the south and east, and separated by open land, are the dispersed towns and villages of the former coalfield, which are the home to some 95,000 people.

2.3 The Barnsley Urban Area will play a pivotal role in regeneration and the town centre itself will be transformed into a modern urban living space offering shoppers and visitors exciting retail, recreational, entertainment and cultural experiences that will enable it to compete successfully with neighbouring centres. Regeneration in the Borough's rural areas will be based on diversification and sustainable development. Cultural and leisure facilities, appropriate in type and scale, will be encouraged in the smaller market towns.

2.4 Integral in making Barnsley a great place to live is ensuring that its communities are attractive, safe living environments with convenient access to good quality local services and amenities, including leisure, entertainment and cultural facilities.

2.5 Neighbourhoods must be clean, safe and secure and their environments respected and cared for. They must also be friendly and caring places where people are welcome from all backgrounds and cultures and both young and old alike will feel part of the community.

2.6 In this regard, the Council recognises local residents' needs for a safe and healthy environment in which to work and live and the importance of having both safe and well-run taxi and private hire services in the Borough.

2.7 The Council therefore acknowledges the valuable contribution that taxi and private hire vehicles make to the local economy.

General principles and legislative requirements

2.8 The Council is responsible for the regulation of taxi and private hire services within its area.

2.9 In exercising its discretion when carrying out its regulatory functions, the Council will have regard to the powers contained in the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976.

2.10 In addition, The Policing and Crime Act 2017 enabled the Secretary of State for Transport (DfT) to issue statutory guidance on exercising taxi and private hire vehicle licensing functions which was designed specifically to protect children and vulnerable individuals over the age of 18 from harm when using these services.

2.11 The Council fully recognises the importance of these new statutory standards published by the DfT in July 2020 and has a statutory duty to have regard to the DfT's Guidance. Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, it is considered that all passengers will benefit from the recommendations contained in it.

2.12 The Council will work in partnership with other local authorities, statutory bodies and agencies, especially those located in South Yorkshire, to ensure, wherever possible, that a consistent approach is taken on licensing matters across the region.

2.13 The principal purpose of taxi and private hire licensing is to protect the public and promote public safety.

2.14 This policy sets out the requirements and standards that must be met by those working within the trade as drivers, vehicle proprietors or operators.

2.15 Reference in this policy to a **taxi** means a licensed hackney carriage. A hackney carriage or taxi is a vehicle immediately available to transport the public with no more than 8 passenger seats, and which is licensed to ply for hire. This means that it may

stand at ranks, be hailed in the street, in the borough of Barnsley and by members of the public or even be pre-booked anywhere in England, Wales and Scotland.

2.16 A **private hire vehicle** is a vehicle licensed to carry no more than 8 passengers, but which must be pre-booked in advance by a customer through a licensed private hire operator. Unlike a taxi, a private hire vehicle cannot ply for hire in the street or any public place and can only be hired in advance by booking with an operator.

2.17 The Council will carry out its licensing function with a view to promoting the following:

- The protection of the public
- Safeguarding children and the vulnerable
- The safety and health of the public
- Vehicle safety, comfort and access
- Environmental sustainability

2.18 Too restrictive an approach can work against the public interest so in carrying out the licensing function the Council will aim to strike a fair balance between protecting the public and encouraging local taxi and private hire businesses to thrive

2.19 The Council's licensing requirements will be proportionate to the risks they are designed to address, the priority being to ensure that drivers and operators are 'fit and proper' persons to hold a licence, and vehicles are safe, comfortable and appropriate for use, and maintained in a safe condition for the duration of the licence

Aims and Objectives of the Policy

2.20 This policy, along with the accompanying appendices, sets out the Council's approach when it comes to exercising the taxi and private hire licensing function. The Policy is intended to guide the General Regulatory Licensing Board, its Panel, and any officers acting with the delegated authority of the Board, when considering applications for driver, vehicle and operator licences.

2.21 Included in the various appendices, are:

- The Council's current conditions of licence
- The hackney carriage byelaws
- The Council's approach to applicants/licensees who have criminal convictions
- General guidance notes and conditions of the application
- Enforcement policy
- Codes of practice

2.22 The policy also aims to provide guidance to applicants on the general approach to licensing in the Borough.

2.23 Every application to the Council will be dealt with on its own individual merits.

2.24 The policy will be reviewed at least once every five years but will be kept under review during that time in case any amendments or additions are required at any time.

2.25 The policy is not intended to limit the powers of the Council or to remove any discretion it has within the law, which allows it to depart from this policy if the individual circumstances of any case merit such a decision. In such cases, the Council will always set out, in writing, any reasons for departing from its policy.

Decision Making

2.26 The powers of the Council may be carried out by:

- The General Licensing Regulatory Board
- The General Licensing Regulatory Panel, or
- by one or more officers acting under the delegated authority of the Council

2.27 Many of the licensing processes and procedures will be largely administrative with no obvious areas of contention. In the interests of efficiency and effectiveness officers of the Council will generally carry these out.

2.28 Authorised officers of the Council will also investigate complaints and take any action as appropriate, in accordance with the Council's Enforcement Policy.

2.29 Each application for a licence will be considered:

- On its own individual merits
- In accordance with this policy
- With reference to the 1976 Act and/or Town Police Causes Act 1847
- In accordance with DfT Best Practice Guidance
- In accordance with DfT Statutory Guidance 2020
- In accordance with the Regulators' code
- Having regard to the Public Sector Equality Duty

2.30 The Council is responsible for the regulation of taxi and private hire services within its own area. This means it is able to reach its own decisions on policy and also on individual licensing issues.

2.31 The overriding aim, in all cases, will be to ensure the safety and protection of the public.

2.32 When making decisions, or taking other action, the Council will aim to be open and transparent and will be prepared to give full and detailed reasons for those decisions All those that have the power to make decisions will be required to undertake training which will cover not only licensing procedures, but human rights, natural justice, safeguarding, disability and equality awareness and the legal principles involved in decision making.

Administration, Exercise and Delegation of Functions

2.33 A policy is only effective if it is administered properly. The taxi and private hire licensing functions are classed as 'non-executive' in that they are functions of the Council rather than its Executive (such as the Cabinet).

2.34 These non-executive functions include the determination of licence applications, along with the attachment of conditions and the power to suspend or revoke licences. All of these functions can be delegated to a committee, a sub-committee or an officer of the Council.
The Council has established the General Licensing Regulatory Board to administer the wide range of licensing decisions and functions which the Council is required to administer.

2.35 The Board has been delegated certain powers and functions and has established a General Licensing Regulatory Panel to deal specifically with matters relating to the regulation of taxi and private hire services.

2.36 The power to decide all of the non-contentious applications has been delegated to officers.

2.37 The agreed delegation of decisions and functions to the General Licensing Regulatory Board, its Panel and officers is set out below.

2.38 Within this agreed delegation of decisions and functions officers still have the discretion to refer an application or other matter to the Board or its Panel if Officers consider it appropriate in the circumstances.

General Licensing Regulatory Board (GLRB)

2.39 Subject to:

- The overall policy framework of the Council; and
- Having regard to the Council's safeguarding arrangements and duties and particularly in relation to the prevention of Child Sexual Exploitation.

The Board exercises the functions of the Council in relation to:

2.40 Taxi and private hire licences:

a) Determining licence applications which have not been determined by the Service Director, Legal Services pursuant to their delegated powers, where consideration the Sub-Committee is not appropriate;
b) Receiving reports for information on the suspension and revocation of licences and also to suspend and/or revoke licences where adverse reports have been received in those instances where the Service Director, Legal Services has referred the matter to the Board for a decision as to whether disciplinary action would be appropriate;

c) Receiving, at regular intervals, a report of all licences issued, renewed, or refused;
d) Receiving an annual report of all hackney carriage and private hire licences issued or renewed where the vehicle in question is over the age of five years;
e) Receiving periodic reports of the Service Director, Legal Services on random inspections carried out on drivers and vehicles;
f) Varying, amending or revoking the standard conditions of taxis, private hire operators, vehicle and drivers' licences;
g) Determining the fees payable for the issue and renewal of hackney carriage and private hire licences (including inspections), subject to the consideration of any policy aspects by Cabinet and / or full Council as appropriate;
h) Determining the hackney carriage fare tariff from time to time, subject to the consideration of any policy aspects by Cabinet and/or full Council as appropriate;
i) After consultation with the Head of Highways and Engineering to approve the siting or relocation or removal of hackney carriage ranks and to authorise the appropriate statutory notices;

General Licensing Regulatory Board Panel (GLRB Panel)

2.41 The GLRB Panel is comprised of any 3 Members of the General Licensing Regulatory Board:

a) To determine taxi and private hire licence applications which have not been determined by the Service Director, Legal Services pursuant to their delegated powers;
b) To suspend and/or revoke taxi and private hire licences where adverse reports have been received in those instances where the Service Director, Legal Services has referred the matter to the Board for a decision as to whether disciplinary action would be appropriate;
c) To determine appeals against the suspension or revocation of taxi or private hire operators, vehicle and drivers' licences;
d) To determine applications for or suspension / revocation of licences or appeals against suspension or revocation of licenses falling within the remit of the General Licensing Regulatory Board when referred to it for a decision by the Service Director, Legal Services;

Delegations to Officers from the General Licensing Regulatory Board

2.42 The Service Director, Legal Services is delegated the powers:

a) To exercise the Council's powers in relation to the Licensing aspects of the following legislation:
    - Local Government Miscellaneous Provisions Acts 1976
    - Town Police Clauses Act 1847

And, notwithstanding the generality of the above:

b) Under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 to:
   i. Issue taxi licences and private hire licences, when he / she is satisfied that the application fulfils the statutory requirements and any criteria or policies of the Council for the time being in force;
   ii. In consultation with the Chairperson of the GLRB, refuse applications for taxi and private hire licences where he is not satisfied that the application fulfils the statutory requirements and any criteria or policies of the Council for the time being in force, subject to any such decisions being reported for information to the next meeting of the Licensing Regulatory Board;
   iii. To suspend Hackney Carriage and Private Hire Vehicle Licences on vehicle defects being found;
   iv. To suspend or revoke licences in other circumstances to those at (iii) above, and to report the action to a subsequent meeting of the GLRB;

Human Rights and the Right to a fair hearing

2.43 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for the Council to act in a way that is incompatible with the Convention right.

2.44 In conducting its business, the Council will have particular regard to the following relevant provisions of the first protocol of the European Convention on Human Rights:

> Article 1 - Every person is entitled to the peaceful enjoyment of his or her possessions, for example the possession of a vehicle or operator's licence.
>
> Article 6 - That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

2.45 Public safety remains the paramount consideration in all licensing decisions, but the discharge of licensing functions will also be undertaken in accordance with the following general principles:

- Policies will be used as internal guidance and supported by a member/officer code of conduct;
- Any implications of the Human Rights Act will be taken into account;
- The rules of natural justice will be observed;
- All decisions will be reasonable and proportionate;
- Hearings will be conducted fairly and will allow for appropriate consideration of all relevant factors;
- Those with the powers to make decisions will avoid bias (or even the appearance of bias) and any predetermination;

Enforcement

2.46 The principal purpose of taxi and private hire licensing is to protect the public and promote public safety. To this end the Council aims to provide an efficient, targeted and proportionate regulatory service to those it regulates.

2.47 In general, action will only be taken in accordance with agreed enforcement principles and in line with the Council's own enforcement policy. The key principles of consistency, transparency and proportionality will be maintained.

2.48 The Council endorses the principles of good enforcement as set out in the Enforcement Policy published and adopted by Barnsley Metropolitan Borough Council – see **Appendix L**.

2.49 The Council will take enforcement action where it considers it necessary and proportionate to do so.

2.50 The Regulator's Code was brought into force in 2014 and states that Regulators, including the Council in relation to taxi and private hire licensing must have regard to the Code and should:

- Carry out their activities in a way that supports those they regulate to comply and grow;
- Provide simple and straightforward ways to engage with those they regulate and hear their views;
- Base their regulatory activities on risk;
- Share information about compliance and risk;
- Ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply;
- Ensure that their approach to their regulatory activities is transparent;

2.51 If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it."

2.52 The Council will work closely with its neighbouring authorities in South Yorkshire, including where the need arises, jointly authorising officers from other authorities in the area so that compliance and enforcement action can be taken against licensees from outside the Barnsley area.

2.53 The Council will ensure that drivers are aware of the policies that they must adhere to and are properly informed of what is expected of them and the repercussions for failing to do so.

2.54 The Council will also provide a clear, simple and well-publicised process for the public to make complaints about drivers, vehicle proprietors and operators. This will enable the Council to better target compliance and enforcement activity and will also

provide a further source of intelligence when considering the renewal of licences and of any additional training for licensees if it is considered appropriate in the interests of public safety.
The Council will provide an impartial and clearly explained route to appeal against any decision.

Safeguarding and Child Sexual Exploitation

2.55 The protection of children from harm includes their protection from physical and/or psychological harm. The Council recognises the Barnsley Safeguarding Children Board as the responsible authority for the protection of children from harm. The Council will consult with the Barnsley Safeguarding Children Board on any matter which raises concerns regarding the safety of children.

2.56 One of the key aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason, the Council believes that all applicants for a driver's licence, and all existing licensed drivers, should undertake basic safeguarding training.

2.57 All drivers are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse. Where a driver becomes aware or concerned that they or other drivers are transporting a young person or a number of young people to specific premises or venues, either accompanied or alone, on a regular basis, and they suspect the young person may be subject to exploitation, they are required to report their concerns to South Yorkshire Police.

2.58 The Council considers that those in the taxi and private hire vehicle industry can play a crucial role in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, those working within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults.

2.59 However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger. To that end the Council provides appropriate safeguarding advice and training to the taxi and private hire trade. This is delivered by a Designated Officer for safeguarding. As a minimum, all licensed drivers must undertake safeguarding training.

2.60 The Council's programmed has been developed to help drivers and operators:

- Provide a safe and suitable service to vulnerable passengers of all ages;
- Recognise what makes a person vulnerable;
- Understand how to respond, including how to report safeguarding concerns and where to get advice;

2.61 Safeguarding awareness training will include the ways in which drivers can help to identify 'county lines' exploitation by being aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;
- Travelling at unusual hours (during school time, early in the morning or late at night);
- Travelling long distances;
- Unfamiliar with the local area or do not have a local accent;
- Paying for journeys in cash or prepaid;

2.62 The key purpose of safeguarding training is to make licensees aware of what to do if they believe a child or vulnerable person is at risk of harm.

2.63 Failure to report a suspicion or concern that a young person may be being sexually exploited could lead to the suspension or revocation of the driver's licence.

2.64 Responsibility to report matters of concern is not solely confined to drivers and other licensees. The Council itself is committed to the highest possible standards of honesty, openness and accountability and will not tolerate malpractice or wrongdoing.

2.65 Employees and others who work with the Council can often be the first to realise that there may be something wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. Indeed, it may also be the case that someone with a concern is not aware how best to raise concerns.

2.66 The Council therefore has a 'Whistle-blowers' Policy which is a vital element of the Council's governance arrangements and is designed to allow those employed by the Council to come forward and raise concerns of wrongdoing involving the actions of the Council's employees, its Councillors, contractors or any aspect of the Council's activities.

2.67 The Council is committed to a policy which seeks to protect those individuals who make certain disclosures with regard to any instance of malpractice or wrongdoing and to investigate them in the public interest. It is important to stress that any concern raised through this Policy will be treated confidentially and with the utmost seriousness.

2.68 The Whistle-blower's policy can be found here:
https://barnsleymbc.moderngov.co.uk/documents/s60691/Confidential%20Reporting%20Policy.pdf

Department for Transport's Statutory Taxi and Private Hire Vehicle Standards (Statutory Standards)

2.69 The DfT's Statutory Standards were published in July 2020 by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).

2.70 The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.

2.71 The standards have been set by DfT to address directly the safeguarding of the public and any potential impact of failings in that regard. The Council agrees that the importance of thoroughly considering the standards cannot be overstated.

2.72 The primary focus of the Statutory Standards is on protecting children and vulnerable adults, but all those travelling in a taxi or a private hire vehicle will benefit from the DfT's recommendations which are designed, in the main, to better regulate taxis and private hire vehicles

2.73 Therefore, in this policy, particular regard has been had to the recommendations set out in the DfT Guidance published in July 2020:

https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards

2.74 The recommendations made in the Statutory Standards Guidance are the result of detailed discussions by DfT with representatives of the trade, regulators and safety campaign groups. DfT therefore expects the recommendations to be implemented by all local authorities, unless there is a compelling local reason not to do so.

2.75 In the interests of transparency, the Council will publish its consideration of the measures contained in the Statutory Taxi and Private Hire Vehicle Standards, and any changes in policy that arise.

2.76 For its part, DfT will be monitoring local authorities to ensure the effectiveness of the standards in achieving the protection of all passengers but particularly children and vulnerable adults.

2.77 The Statutory Standards do not purport to give a definitive statement of the law however, so decision making in individual cases remains a matter for the Council.

Disclosure and Barring Service (DBS): Criminal Record Checks

2.78 The Council is entitled to request an enhanced criminal record certificate check of the barred lists from the DBS for all applicants for a driver's licence or the holders of a driver's licence.

2.79 The Council considers that all individuals applying for or renewing a taxi or private hire driver's licence should be subject to a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check.

2.80 Once licensed, drivers will be required through their conditions of licence to evidence continuous registration with the **DBS update service** so that the Council can routinely check for new information every six months.

2.81 If, as a result of registering for the DBS update service, a conviction or other matter comes to light which might affect the suitability of a driver, it may not necessarily lead to the automatic suspension or revocation of the driver's licence.

2.82 Each case will still be determined on its own individual merits but additional matters the Council may take on board would include:

a) Whether the conviction(s)/matter in question was disclosed on the driver's application form;
b) Any failure by the driver to report the conviction(s) to the Council in accordance with the conditions of licence;

2.83 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the Barred List. This means that an individual subject to barring would not be automatically prevented by law from being licensed to drive a taxi or private hire vehicle. However, the Council will take an individual's barred status into account alongside other information available when deciding the suitability of someone to drive members of the public for hire.

2.84 In the interests of public safety, unless there are exceptional reasons for doing so, the Council will not issue a licence to any individual that appears on either Barred List.

2.85 If the Council considers there to be exceptional circumstances in a particular case in which they consider an individual who is named on a Barred List to be 'fit and proper', their reasons for reaching this conclusion will be specifically recorded for transparency.

DBS Referrals by the Council

2.86 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Council to make a referral to the DBS. The power for the Council to make a referral in this context arises from undertaking its safeguarding role.

2.87 DfT recommends that the Council should make a referral to the DBS when it is thought that:

- An individual has harmed or poses a risk of harm to a child or vulnerable adult;
- An individual has satisfied the 'harm test' https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs#what-is-the-harm-test; or,
- Received a caution or conviction for a relevant offence; and
- The they are referring is, has or might in future be working in regulated activity;

2.88 If any of the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a Barred List.

2.89 These referrals may result in the person being added to a Barred List and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is available online:

https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs

Gathering and Sharing information

2.90 The Council will consider the full range of information available when making a decision as to whether an applicant is a suitable person to be granted a licence, or whether a licence should be suspended or revoked. Among other things, the Council will also consider, if it is deemed relevant, any information:

- Shared by other local authorities;
- Received from the Council's Safeguarding team;
- Received from any local multi-agency Safeguarding Hub (MASH);
- By way of common law disclosure from the Police;
- Provided by the applicant, or licensee;
- Contained on the NR3 database of refusals and revocations (see below)*

*The Local Government Association (LGA) commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). Tools such as NR3 can be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.

2.91 The simple objective of the NR3 database is to provide a mechanism for licensing authorities to record details of where a taxi or PHV drivers' licence had been revoked, or an application for one refused and the records will be retained for 25 years. This allows licensing authorities to check new applicants for taxi/PHV licences against the register and make an informed decision on whether an applicant is fit and proper based on any previous licensing history.

Sharing licensing Information with other Licensing authorities

2.92 Applicants and licensees are required to disclose to the Council if they hold, or have previously held, a licence with another authority. Similarly, they are required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. The Council's application forms make it clear that making a false statement or omitting to provide the information requested may be a criminal offence.

2.93 The Council will communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision making.

Multi-Agency Safeguarding Hub (MASH)

2.94 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. The **MASH** principles are:

- Information sharing;
- Joint decision making;
- Co-ordinated intervention;

2.95 As part of the South Yorkshire Group of Licensing Authorities, the Council will assist in establishing and facilitating the objectives of a **MASH**, i.e. the sharing of necessary and relevant information between stakeholders. One of the most effective ways to minimise any risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that licensing decisions are made with the fullest knowledge and information.

Working with the Police

2.96 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person so it is important for the Council to have a genuine partnership with the local police to ensure that any relevant information is shared as quickly as possible.

2.97 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can also gain valuable intelligence where necessary from drivers and operators.

Common Law Police Disclosure

2.98 In addition to DBS checks on applicants and licensees, common law police disclosure ensures that where there is a public protection risk, the police are in a position to pass information to the Council which would allow them to act quickly to prevent or mitigate any perceived danger.

2.99 This information is normally passed on at the time of arrest or charge, rather than on conviction, which may be some time after, allowing any preventative measures to be put in place immediately.

2.100 The Council will therefore maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place.

Licensee self-reporting

2.101 All licence holders are subject to conditions requiring them to give written notification to the Council **within 5 working days** of any conviction or caution for any offence, including motoring offences and endorsements.

2.102 It is a further requirement that licence holders must notify the Council in writing, **within 48 hours** of any arrest and release, charge or conviction for any sexual offence, or any offence involving dishonesty or violence. An arrest for any

offence may lead to a review of the licence to decide whether the licence holder is fit to continue holding a licence.

2.103 In such cases the Council will have a discretion as to whether the licence should be suspended or revoked. It is for the Council to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

2.104 Failure by a licence holder to disclose an arrest or charge as specified above could be seen as behaviour that questions the honesty and integrity of the licence holder, and consequently the suitability of the person to hold a licence, regardless of the outcome of the initial allegation.

Promoting Equality

2.105 The Public Sector Equality Duty places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: marriage an civil partnership, age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

2.106 In seeking to support a community in which diversity is encouraged, the Council will expect all licensees to take steps to ensure that no person is treated differently on the grounds of race, colour, religion, ethnic or national origins, age (unless an age-related event), sex (unless a single sex event), sexual orientation (unless a gay or lesbian event), or disability, and that the management and practices of operators comply with all race relations, equal opportunities and anti-discrimination legislation.

Educating the Public

2.107 Educating the travelling public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services to stay safe will help to protect all passengers. **Appendix N** to this Policy contains further information on what the public need to do to stay safe when travelling in a taxi or private hire vehicle.

CCTV in licensed vehicles

2.108 It is recognised that the hackney carriage and private hire trades provide a valuable public service, especially late at night, when other forms of public transport are not always available. Security for both drivers and passengers is a high priority. CCTV cameras can be a valuable deterrent to criminal activity as well as protecting the driver from unjustified complaints. DfT recognises that, in certain circumstances, CCTV in licensed vehicles can give confidence and reassurance to both drivers and passengers.

2.109 For the purpose of this policy, CCTV relates to recording inside of the vehicle only.

2.109.1 All hackney carriage and private hire vehicle owners that have been gifted CCTV equipment by Barnsley MBC must have the said CCTV system installed by the provider specified by the Council following the tender exercise*. The CCTV system must be in use whenever the vehicle is in use as a licensed vehicle for the purpose of hire and reward.

**The approved supplier will be confirmed prior to the implementation of this policy and any change to the hackney carriage and private hire vehicle conditions.*

2.109.2 Whilst the Council will provide the CCTV system, the ownership will transfer on installation to and will at all times remain the property of the licensed proprietor/owner of the hackney carriage or private vehicle who will at all times be liable for its use in their vehicle(s). The licensed proprietor/owner of the hackney carriage or private hire vehicle will be responsible for the maintenance and security of the CCTV system. The Council will have no liability for the goods or services provided. The Council will be data controller for the purpose of data protection and therefore own the footage.

2.109.3 The installation of security measures such as a bulkhead or screen between driver and passengers, as a means of providing some protection for drivers, is acceptable. Where a screen has been fitted the CCTV camera must be fitted to ensure a clear recording. The driver and proprietor of the hackney carriage vehicle or private hire vehicle once gifted the CCTV, shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. Any deliberate abuse or deliberate attempt to interfere with the legitimate use of the CCTV system will be given due weight and regard when determining whether the driver/proprietor is a fit and proper person to continue holding a licence.

2.109.4 Warning signage must be clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle. It will be the hackney carriage and private hire driver/proprietors' responsibility to comply with all aspects of the law regarding such surveillance equipment. There is information available on the ICO's website - CCTV and video surveillance | ICO and the CCTV code of practice - Update to Surveillance Camera Code of Practice - GOV.UK (www.gov.uk).

2.110 The Council will continue to encourage any private hire vehicle proprietor who individually wishes to install CCTV, (meaning an inward facing camera and possible audio recording facilities) in their vehicle. If any drivers wish to install CCTV or a dashcam they should be aware of the requirement to register with the ICO and be aware of the following guidance at https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf and the Home Office's Surveillance Camera Code of Practice at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf .

2.111 The DfT is currently asking all licensing authorities to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have

either a positive or an adverse net effect on the safety of taxi and private hire vehicle users.

Consultation

2.112 The Council will normally consult on proposed changes in licensing policy that may have significant impacts on passengers and/or the trade.

2.113 The Council also recognises that any decision taken to alter the existing licensing regime could have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas. The Council therefore regularly engages with other authorities in South Yorkshire through regional officer consultation groups and, more formally, councillor liaison meetings.

2.114 Before determining this policy statement, the Council has consulted with the following:

- The Police
- Elected members
- The Local Safeguarding Board
- Taxi and private hire licence holders (or their representatives)
- Representatives of local businesses and residents' organisations
- Public transport providers
- Local Chamber of Commerce / BID
- Local Authority Testing Stations
- Taxi Conversion Companies
- Home to School Transport
- Local Pubwatch Groups
- The public
- Public Health
- Minority Groups

Conditions of Licence

2.115 The Council will only impose conditions on licenses and certificates which are proportionate and necessary for ensuring the safety and protection of the travelling public. In doing so the Council will aim to strike the right balance and not impose undue or unnecessary burdens on the trade

2.116 Similarly, in developing its Policy the Council has sought to avoid unnecessary duplication of existing legislation and regulatory regimes. However, nothing in this policy is intended to revoke or replace the need for applicants to act in accordance with legal requirements. All applicants are advised to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations.

2.117 The Council's current set of licensing conditions are attached as appendices to this policy document.

2.118 The appendices also include the Council's approved byelaws for hackney carriage vehicles and drivers.

Compliance with Conditions and requirements of Licensing Authority

2.119 A written warning will be issued to any driver found to be in breach of any condition of licence. Where a person receives three written warnings in a 12 month period, the person will be asked to attend a hearing of the Licensing Board. Where the breaches could affect public safety the Licensing Board will normally revoke the person's licence.

Barnsley 2040 carbon neutral target

2.120 Whilst not formally part of this Policy the Council will continuously explore any opportunities available through national or regional schemes and initiatives to encourage or incentivise the uptake of electric or hybrid vehicle by the trade, in support of the Councils 2040 carbon neutral target for the Borough. The government offers grants to support the wider use of electric and hybrid vehicles via the Office of Low Emission Vehicles (OLEV). Licensed drivers are encouraged to find out more on GOV.UK electric vehicle grant scheme. Consideration will be given to the numbers and locations of charging points available to the trade. Any future targets for reducing CO2 emissions in licensed vehicles would be subject to further consultation.

Appendix A – Drivers Licences: Conditions of Application

BARNSLEY
Metropolitan Borough Council

DRIVERS LICENCES

CONDITIONS OF APPLICATION

(Requirements for Applicants)

All applicants for a private hire / hackney carriage driver licence must satisfy the Council that they are 'fit and proper' people to be granted a driver licence. They must then remain a 'fit and proper' person for the duration of that licence. The fitness and propriety of a driver will be monitored / assessed throughout the period that the licence is held.

Any reference in these conditions to the "Act of 1976" means the Local Government (Miscellaneous Provisions) Act, 1976, and "the Council" means the Barnsley Metropolitan Borough Council.

Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length of three years for taxi and private hire driver licences.

Shorter duration licences will only be issued if the Council thinks it is appropriate in the specific circumstances of the case, for instance, if a licensee has specifically requested one, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand.

1. In the case of Private Hire Drivers the Council may, in the circumstances of any particular case, impose such additional conditions as they may think fit;
2. The applicant must satisfy the Council that he is a fit and proper person to hold a licence. All new applicants will be required to complete and pass a specified theory test online nd driving assessment prior to the licence being granted (via https://bluelamptrust.org.uk/ or https://www.kpcohsp.co.uk/);
3. Before a driver's licence is granted the applicant must:

a. Complete and submit to the Council an application on the form prescribed by the Council;
b. Submit such further information as the Council may require under Section 57 of the Act of 1976;
c. Satisfy the Council that he is medically fit to drive a Private Hire Vehicle. For this purpose the applicant shall produce a certificate in the form prescribed by the Council signed by a medical practitioner on first application; at the age of 45 and then every five years until the age of 60 when a certificate will be required annually. Whether or not such a certificate has been produced, the applicant shall, if required by the Council, undergo a medical examination by a registered medical practitioner to be selected by the Council. Holders of HGV or PSV drivers' licences are not required to submit a medical certificate but will be required to produce such licence for inspection;
d. Complete a satisfactory enhanced Disclosure & Barring Scheme (DBS) check prior to the first licence being granted and sign up to the DBS online checking system;
e. Satisfy the Council that he has a minimum of 2 years driving experience.
f. Satisfy the Council he has held for at least twelve months prior to, and is at the date of application, the holder of a driver's licence (not being a provisional licence) granted to the applicant under Part III of the Road Traffic Act 1988 or the corresponding provisions of any later enactment authorising the applicant to drive a motor car. To check if you can drive with a foreign driving licence please visit www.gov.uk/driving-nongb-licence .Such driving licence must be produced with the application;
g. The driver of a Private Hire Vehicle may not ply for hire;
h. For Foreign Nationals or for UK citizens who have worked or lived at some point overseas the following will apply:
    - If you have lived outside the UK for a period of 5 years or more, you must provide confirmation of such previous residential addresses, together with a list of previous UK residential addresses within the last five years;
    - In all other cases the applicant should request a Certificate of Good Repute/Letter of Good Conduct from the Embassy of those country/countries. If this is not in English a translation will be required (the translator must be approved by the Licensing Section prior to the translation taking place). Any cost incurred in obtaining relevant certification under this section will be at the applicant's expense. Applicants who are, for whatever reason, unable to provide the required Certificate of Good Repute/Letter of Good Conduct will have their application referred to The General Licensing Sub-Committee for determination;
    - Your identity will be checked against the UK Border Agency records;
    - You will need to prove you have the right to work in the UK

    Any changes which might render invalid any of the information on this form, including any part thereof, must be immediately reported to licensing@barnsley.gov.uk;

Appendix B – Vehicle Licences: Conditions of Application

BARNSLEY
Metropolitan Borough Council

VEHICLE LICENCES

CONDITIONS OF APPLICATION

(Requirements for Applicants)

1.1 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length of one year for taxi and private hire vehicle licences.

1.2 Shorter duration licences will only be issued if the Council thinks it is appropriate in the specific circumstances of the case, for instance, if a licensee has specifically requested one, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand.

1.3 Hackney Carriage and Private Hire vehicle licences may be applied for by a company or partnership; the Council will apply the 'fit and proper' test to the company as well as any directors or partners in that company or partnership.

1.4 Any changes which might render invalid any of the information on this form, including any part thereof, must be immediately reported to licensing@barnsley.gov.uk;

1.5 Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

Criminal record checks for vehicle proprietors

1.6 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity.

1.7 Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers

are appropriately licensed and so maintain the safety benefits of the licensing regime.

1.8 Enhanced DBS and barred list checks are not available for vehicle licensing, but the Council requires that anyone holding a vehicle licence should be subject to a basic DBS check at least once annually, unless already licensed as a driver or private hire operator.
The Council will treat as valid for this purpose a Basic DBS check that is less than 12 months old.

1.9 Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). The Council will consider whether an applicant or licence holder with a conviction for offences provided (other than those relating to driving), meets the 'fit and proper' threshold.

1.10 The Council acknowledges that in many cases individuals that hold a vehicle license may already be licensed as a driver and/or private hire operator. In those circumstances the Council will not normally require those seeking to licence a vehicle to provide a basic DBS check as part of the application process as it would not provide any additional information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver/operator assessment.

Vehicle Specification

1.11 Hackney carriages and private hire vehicles are subject to much greater annual mileages and more intensive use than normal private vehicles. The resulting accelerated rate or component wear requires a regular and thorough maintenance programme if the vehicle is to remain safe.

1.12 Safety is of paramount importance to the Council, for this reason hackney carriage and private hire vehicles must be inspected by authorised testing stations throughout their service life.

1.13 Every vehicle that is to be used for hackney carriage or private hire work will be inspected by an authorised testing station against the standards laid down in this manual: https://www.barnsley.gov.uk/media/18840/hackney-carriage-and-private-hire-inspection-and-specification-manual.pdf. The framework for this manual is provided by the Hackney Carriage and Private Hire National Inspection Standards produced by the Hackney Carriage and Private Hire Inspection Technical Officer Group.

MOT Testing

1.14 Licensed vehicles may now be tested at any one of the DVSA registered garages on the Councils approved list.

1.15 All private hire and hackney carriage vehicles regardless of age, will be MOT tested twice per year. Vehicles which successfully pass both tests first time will have their test requirement reduced to one test per calendar year and remain at this level

unless the vehicle fails its next MOT test, at which point it will return to being tested twice per year.

1.16 If a proprietor replaces his licensed vehicle with a new vehicle that is younger than the currently licensed vehicle or is an electric or hybrid vehicle then the MOT status is maintained at one test per calendar year. However, if the replacement vehicle is older than the existing licenced vehicle the MOT requirement will revert to twice a year.

1.17 For the purposes of licensing a vehicle or renewing a vehicle licence an MOT certificate will only be accepted 4 weeks from the date of the MOT certificate.

Payment

1.18 The compliance centres charge the cost of the test directly to the vehicle driver/operator. There is no income generated on behalf of the Council. The Council is seeking a cost effective but high quality service for drivers and operators.

Location and Number of Centres

1.19 The Council will only approve centres within the Barnsley Council boundary. The Council has authorised fourteen compliance test centres to test Class 4 vehicles. The list of approved garages can be found here: https://www.barnsley.gov.uk/services/licensing/taxi-licences/hackney-carriage-and-private-hire-vehicle-licences/

1.20 The Council reserves the right to vary the number of approved premises to meet the requirement of the efficient provision of compliance testing across the borough.

The geography of the borough and its surrounding urban areas means there is an uneven distribution of drivers and operators. Therefore, the Council's aim is to ensure that an even distribution of centres is applied.

Standard of Service

1.21 In order to ensure consistent and unbiased assessment of professional standards the Council will use the outcomes of the DVSA assessments for all vehicle testing stations. This is a national system overseen by DVSA using fully trained and qualified staff.

1.22 In order to provide the highest standard of service to drivers and operators the Council has selected testing stations given a 'green' status by DVSA.

1.23 The Council will also consider the comments made by DVSA inspectors as part of the routine assessments. Where significant differences are found between the proposal and the inspection, the Council will not enter into a contract and centres may be excluded from submitting future proposals.

Insurance

1.24 It is required that all insurance documents must be shown before a licence is issued. This requires:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle;
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward;
- A Private Hire Vehicle requires insurance to cover hire and reward only;
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity;
- When licences are issued following the production of cover note of insurance the Certificate of Insurance must be produced on or before the expiry of the cover note, or a further cover note produced to ensure continuity of insurance. Failure to do so will render the licence void (SUSPENDED);
- In the event of the applicant for a vehicle licence defaulting in payment of fees, the licence automatically becomes void (SUSPENDED);

1.25 As part of its enforcement duties the Council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

Appendix C – Operators Licences: Conditions of Application

OPERATORS LICENCES

CONDITIONS OF APPLICATION

(Requirements for Applicants)

1.1 Any reference in these conditions to the “Act of 1976” means the Local Government (Miscellaneous Provisions) Act 1976, and “the Council” means the Barnsley Metropolitan Borough Council.

1.2 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length of five years for private hire operator licences.

1.3 Shorter duration licences will only be issued if the Council thinks it is appropriate in the specific circumstances of the case, for instance, if a licensee has specifically requested one, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand.

1.4 Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

1.5 As with driver licensing, the objective in licensing private hire operators is to protect the safety of the public, who may be using operators’ premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that the Council can satisfy itself that those who are granted a private hire operator licence also pose no threat to the public, have no links to serious criminal activity, and are therefore fit and proper persons to operate private hire vehicles.

1.6 Although private hire operators may not necessarily have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

1. The Council, before granting an operator's licence, must be satisfied that the applicant is a fit and proper person to hold such a licence;
2. The applicant must pay the appropriate fee to the Council for the licence;

3. Any changes which might render invalid any of the information on this form, including any part thereof, must be immediately reported to licensing@barnsley.gov.uk;

1.7 No person is allowed, in a controlled district, to operate any vehicle as a private hire vehicle unless he holds a current operator's licence under Section 55 of the Act of 1976. This is a separate form of licence from those granted to a proprietor or driver.

1.8 A driver or vehicle proprietor who is also in business on his own account as an operator to invite and accept bookings for a private hire vehicle would also need to obtain a private hire operator's licence. A private hire operator's licence is not required to invite and accept bookings for a hackney carriage.

1.9 Enhanced DBS and barred list checks are not available for private hire operators but the Council will still request a basic disclosure from the DBS on an annual basis. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC).

1.10 The Council will consider whether an applicant or licence holder with a conviction for any offences disclosed (other than those relating to driving), meets the 'fit and proper' threshold. The Council acknowledges that in some cases individuals that are licensed as a private hire operator may already be licensed as a driver.

1.11 Because the Council undertakes DBS checks every six months for its drivers it will not require private hire operators, or those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process since a basic DBS would not provide any information in addition to that disclosed already.

1.12 If the private hire operator licence is in the name of a company or partnership, the Council will apply the 'fit and proper' test to the company in addition to each of the directors or partners in that company or partnership.

Booking and dispatch staff used by private hire operators

1.13 Private hire drivers are not the only direct contact that users of the service have with private hire operators' staff, for example, contact in the main will usually be with a person or 'dispatcher' taking bookings (be it by phone or in person).

1.14 A dispatcher decides which driver to send to a user, a position that is open to exploitation by those seeking to exploit children and vulnerable adults. In line with recent DfT Statutory Standards it is therefore considered appropriate that any of the operator's staff who have contact with the public and are involved in the booking and dispatching of vehicles, should not present an undue risk to the public or to the safeguarding of children and vulnerable adults.

1.15 In order to satisfy itself that private hire operators are able to 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, the Council will attach a condition to private hire

operator licences, requiring the operator to, firstly, keep a register of all staff responsible for taking bookings or dispatching vehicles.

1.16 Secondly, the conditions will require operators to evidence that they have had sight of annual Basic DBS checks for all individuals listed on their register of booking and dispatch staff and employment of persons with prior convictions are compatible with the operators own policy on employing ex-offenders. Before 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.

1.17 The failure by an Operator to ensure the appropriate checks are carried out may call into question the Operators fitness and propriety.

1.18 The register should maintain records of all those in either a booking or dispatch role to be kept for the same duration as booking records themselves are required to be kept. This will enable cross-referencing between the two records.

1.19 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.

1.20 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults and therefore there is a requirement to have sight of basic DBS checks for all those booking and/or dispatching vehicles.

Appendix D – Private Hire Vehicle Licence Conditions

BARNSLEY
Metropolitan Borough Council

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

1.1 These are the Standard Conditions attached to a private hire vehicle licence. Breach of these conditions may constitute an offence **under the Local Government (Miscellaneous Provisions) Act 1976.**

1.2 The commission of any criminal offence could result in the licence being reviewed, which could result in revocation in addition to any criminal prosecution that might be brought by the police, the Council or any other prosecuting authority for the original offence.

1.3 In addition, it is an offence under that Act to obstruct an authorised officer or Police Officer in his/her duty.

1.4 Vehicle proprietors should read these conditions carefully and ensure they understand and abide by them.

1.5 These conditions are to be read in conjunction with the appropriate sections of the Local Government (Miscellaneous Provisions) Act, 1976, Part II.

1.6 Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

Definitions

1.7 In these Conditions:

- "authorised officer" means any officer of the Council authorised in writing by the Service Director, Legal Services of the Council for the purposes of these Conditions;
- "the Council" means the Barnsley Metropolitan Borough Council;
- "private hire vehicle" has the same meaning as in the Local Government Miscellaneous Provisions) Act 1976;

- “licence plate” and “interior licence plate” mean any plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council;
- “Proprietor” means the person or persons or body named in this Licence as the Proprietor of the Vehicle and includes a part Proprietor;
- “the vehicle” means the private hire vehicle in respect of which this Licence is issued;

General

1.8 The licensed vehicle can only be driven by a person who is a Barnsley MBC licensed driver.

1.9 The vehicle can only be used for hire for pre-booked journeys made in advance though a Barnsley MBC licensed Private Hire Operator.

1.10 The vehicle cannot be used as a hackney carriage, i.e. by plying, standing, waiting for touting for hire (such activity may constitute illegal plying for hire, whether or not an actual hiring took place).

Notifications

1.11 The proprietor 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.

1.12 The proprietor must notify the Licensing Section **in writing within 5 working days** details of any conviction, binding over, caution, fixed penalty notice*, warning or reprimand imposed on him/her during the period of the licence.

*this includes all motoring offences whether endorsable or not and the requirement to attend any speed awareness course

1.13 Specifically, the proprietor must notify the Council **in writing within 48 hours** of any arrest and release, charge or conviction for any sexual offence, any offence involving dishonesty or violence. An arrest or charge for any offence may result in a review by the Council as to whether the licence holder is fit to continue to do so.

1.14 Failure to notify the Council could be seen as behaviour that questions the honesty of the proprietor and therefore the suitability of the licence holder, regardless of the outcome of the initial allegation might remain open to question.

1.15 Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these conditions to be given or served on the Proprietor by or on behalf of the Council or by an authorised officer.

Insurance

1.16 The vehicle must have valid insurance for the purpose of hire and reward, the carriage of passengers and public liability, which must also comply with the requirements of Section 143 of the Road Traffic Act 1988.

1.17 On request by an authorised officer or constable the proprietor must produce a relevant and fully compliant certificate of insurance.

MOT Testing and alterations, modifications to the vehicle

1.18 The licensed vehicle must, when in use as a private hire vehicle, have a current MOT / Statement of Compliance issued by one of the Council's Appointed Garages or any other Testing Station the Council may specify.

1.19 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior written approval of the Council at any time while the licence is in force.

Fixing and display of licence plates

1.20 The Proprietor shall cause the number of the Licence to be fixed and displayed on the vehicle at all times during which the vehicle is used as a private hire vehicle in the manner prescribed in a) and b) below. Such number to be displayed by means of the licence plate/s and the interior licence plate issued by the Council to the Proprietor.

a) The interior licence plate shall be fixed and displayed inside the vehicle in such a manner and place that the particulars thereon are clearly visible to any passengers being conveyed in the vehicle;
b) Licence plate/s shall be fixed and displayed outside and on the front and rear of the vehicle in a position that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plate is clearly visible;

1.21 All licence plates shall remain the property of the Council and shall be returned forthwith to the Licensing Section of the Council if the Private Hire Vehicle licence expires, is suspended or is revoked.

Vehicle capacity and seatbelts

1.22 The Proprietor shall not allow more passengers to be carried in the vehicle than the maximum number specified on the licence, subject to the availability of an MOT compliant seatbelt for each person carried.

Other signage and operator livery

1.23 The vehicle when working must **permanently*** display on its front doors the words **Private Hire Vehicle Advanced Booking Only**. The vehicle when working must also display on the rear offside and near side doors of the vehicle **the maximum of two**

operator trade or business name/s and telephone number/s. No other signs or words whatsoever shall be displayed.

Magnetic "Private Hire Advanced Booking Only" signs are not permitted.

1.24 The "**Private Hire Vehicle Advanced Booking Only**" signage must be in a contrasting colour to the vehicle, be at least 19" x 6" in area and be in a prominent position in the centre of the door panel.

1.25 Except for the signs permitted by law and this condition and without prejudice to the generality of the prohibition upon all other signs it is stated for the avoidance of doubt that the proprietor shall not display, suffer or permit to be displayed on or from the vehicle any word (including the words **taxi** and/or **cab**), sign, notice, mark, illumination or other feature which, having regard to the time and place at which it is displayed and to the circumstances, may suggest to any person that the vehicle is available for the purpose of carrying passengers for hire or reward as a licensed hackney carriage.

1.26 The company name on the door panels must be exactly the same as the name on the operator licence.

1.27 Operator livery shall not be displayed on any part of the vehicle other than the rear nearside and rear offside doors unless prior written authority is obtained from the Senior Licensing Officer.

1.28 No goods or services shall be advertised in, on or from the vehicle.

Requirement to carry a fire extinguisher and first aid kit

1.29 All licensed vehicles must carry a fire extinguisher which must be a minimum of 1kg dry powder type and comply with British Standard EN3. This must be located and securely fixed in an accessible location.

1.30 All licensed vehicles must carry a first aid kit. The contents should contain sufficient items, which would meet any minor emergency.

Regular maintenance checks

1.31 Before the vehicle commences work each day the proprietor must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept on the vehicle for a minimum of 30 days and then for a further six months by the licence holder. On being so required by an authorised officer, the driver of the vehicle shall produce, to that officer, the recorded daily checks kept on the vehicle and the licence holder, on request by that officer, shall produce those recorded checks in his possession and/or those kept in the vehicle.

1.32 The vehicle and all 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

1.33 The interior shall be free of all stains, splits, tears and the seats shall function in accordance with the original manufacturer's specification. All lights, doors, door locks, boot / tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods should be operating correctly

1.34 The exterior of the vehicle shall be free of dents, rust or unrepaired accidental damage and shall at all times have uniform paintwork equivalent to that supplied by the manufacturer.

1.35 The boot must be kept clear for use by the passengers except for storage of a spare wheel and jack and any other essential tools and / or spare parts. There must be adequate means for securing a reasonable amount of luggage.

Proprietor's responsibility for the driver

1.36 Before the proprietor allows any other person to drive the private hire vehicle, the proprietor must:

a) Ensure that the driver holds a current Barnsley MBC dual driver's licence; and
b) Must retain a copy of that driver's licence until such time as the driver ceases to be employed to drive the vehicle;

Use of CB radio and radio scanning devices

1.37 The use of a Citizen Band (CB) transmitter/receiver and the use of radio scanning devices is prohibited and must not be fitted or carried in a licensed private hire vehicle at any time.

Reporting accident damage to the vehicle

1.38 Without prejudice to the Provisions of Section 170 of the Road Traffic Act 1988, the Proprietor of a private hire vehicle licensed by the Council shall report to the Senior Licensing Officer, in writing, as soon as reasonably practicable, and in any case **within seventy two hours** of the occurrence thereof, any accident to such private hire vehicle causing damage materially affecting the safety, performance or appearance of the private hire vehicle, or the comfort or convenience of persons carried therein.

1.39 Without prejudice to the provisions of the previous condition the Proprietor shall present the vehicle for inspection and testing by or on behalf of the Council within such a period and at such a place within the area of the Council as they may by notice reasonably require provided that the Council shall not under the provisions of this condition require the Proprietor to present the same vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.

Transfer of the proprietor's interest in the vehicle

1.40 If the Proprietor transfers his interest in the private hire vehicle he shall **within fourteen days** after such transfer give notice in writing to the Principal Licensing Officer of the Council, specifying the name and address of the person to whom the private hire vehicle has been transferred.

1.41 With reference to Section 49 (1) of the Local Government (Miscellaneous Provisions) Act 1976, the person to whom the vehicle is transferred must supply the Council's Licensing Section with the information required by the transfer of a private hire vehicle licence application form, within the **period of 14 days** specified in the said section.

Taximeters in private hire vehicles

1.42 If the licensed vehicle is fitted with a taximeter the proprietor shall notify the Council immediately if, for any reason, this meter's seal is broken. Vehicles fitted with a taximeter shall not operate unless the meter is in working condition and has been checked and sealed by an independent qualified engineer supplying or fixing the meter and a written certificate to this effect had been delivered to the Council. "No Smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with the above may lead to a fixed penalty notice being issued or a criminal prosecution.

Parking the vehicle when not carrying passengers

1.43 The licensed vehicle shall not be parked or positioned in such a manner as to cause obstruction on a public highway.

1.44 The licensed vehicle shall not be parked at such 'public' locations or positions whereby the vehicle's appearance makes it looks like the vehicle is available for immediate hire or wait / park in a location which may encourage an approach from a member of the public to enquire as to the vehicle's availability for hire.

Vehicles constructed or adapted for wheelchair use

1.45 No person, other than a Barnsley MBC licensed driver who has satisfied the Council of their competency to safely load, unload and secure a wheelchair and its passenger, may drive the proprietor's private hire vehicle. **Notwithstanding** that they are a licensed private hire vehicle driver."

Trailers

1.46 No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to a Licensing Officer.

1.47 An additional vehicle licence plate, which shall be obtained from the Council, must be clearly displayed on the rear of any trailer used, this licence plate is in addition to that on the rear of the vehicle.

1.48 The contents of the trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all respects and where required, the licensed driver must hold the appropriate licence category as issued by the DVLA.

CCTV

1.49 In relation to CCTV systems, vehicle proprietors who have been gifted CCTV equipment from Barnsley MBC must have CCTV equipment installed to the specification set by Barnsley MBC and ensure that it is operated in accordance with the licensing authority's policy and all licence conditions.

1.50 The vehicle must display a minimum of 3 warning signs clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons inside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.

1.51 The proprietor shall ensure that the CCTV system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions.

1.52 Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 24 months. Such written records shall be made available on demand by an authorised officer of the licensing authority.

1.53 The vehicle proprietor shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to the installed CCTV system.

Appendix E – Hackney Carriage Vehicle Licence Conditions

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

1.1 These are the Standard Conditions attached to a hackney carriage vehicle licence. Breach of these conditions may constitute an offence **under the Local Government (Miscellaneous Provisions) Act 1976.**
Vehicle proprietors should read these conditions carefully and ensure they understand and abide by them.

1.2 These conditions are to be read in conjunction with the appropriate sections of the Town (police Clauses) Act 1847, the Local Government (Miscellaneous Provisions) Act, 1976, Part II, and the Council's own Hackney Carriage byelaws.

1.3 The commission of any criminal offence could result in the licence being reviewed, which could result in revocation in addition to any criminal prosecution that might be brought by the police, the Council or any other prosecuting authority for the original offence.

1.4 In addition, it is an offence under that Act to obstruct an authorised officer or Police Officer in his/her duty.

1.5 Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

Definitions

1.6 In these Conditions:

- "authorised officer" means any officer of the Council authorised in writing by the Service Director, Legal Services of the Council for the purposes of these Conditions;
- "the Council" means the Barnsley Metropolitan Borough Council;
- "hackney carriage" has the same meaning as in the Town Police Clauses Act, 1847;

"licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage duly licensed by the Council;
- "Proprietor" means the person or persons or body named in the Licence as the Proprietor of the vehicle;
- "the vehicle" means the Hackney Carriage in respect of which this Licence is issued;

General

1.7 The licensed vehicle can only be driven by a person who holds a Barnsley MBC Dual driver's licence.

Notifications

1.8 The proprietor 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.

1.9 The proprietor must notify the Licensing Section **in writing within 5 working days** details of any conviction, binding over, caution, fixed penalty notice*, warning or reprimand imposed on him/her during the period of the licence.

*this includes all motoring offences whether endorsable or not and the requirement to attend any speed awareness course

1.10 Specifically, the proprietor must notify the Council **in writing within 48 hours** of any arrest and release, charge or conviction for any sexual offence, any offence involving dishonesty or violence. An arrest or charge for any offence may result in a review by the Council as to whether the licence holder is fit to continue to do so.

1.11 Failure to notify the Council could be seen as behaviour that questions the honesty of the proprietor and therefore the suitability of the licence holder, regardless of the outcome of the initial allegation might remain open to question.

1.12 Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these conditions to be given or served on the Proprietor by or on behalf of the Council or by an authorised officer.

Insurance

1.13 The vehicle shall have valid insurance for the purpose of hire and reward, the carriage of passengers and public liability, which must also comply with the requirements of Section 143 of the Road Traffic Act 1988.

1.14 On request by an authorised officer or constable the proprietor shall produce a relevant and fully compliant certificate of insurance.

MOT Testing, alterations and modifications to the vehicle

1.15 Licensed vehicles must, at all times, have a current MOT / Statement of Compliance issued by one of the Council's Appointed Garages or any other Testing Station the Council may prescribe.

1.16 No material alteration or change in the specification, design, condition, or appearance of the vehicle is made during the period of the Licence without the prior approval of the Council;

1.17 The vehicle must be fitted with glass which is in accordance with current Road Vehicle (Construction and Use) Regulations prescribed in respect of the normal zone of vision. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle. Tinted glass will only be permitted in accordance with the manufacturers or specialist coach builder's specification.

Fixing and display of licence plates

1.18 The Proprietor shall cause the number of this Licence to be fixed and displayed on the vehicle at all times, such number to be displayed in the prescribed manner, set out in a) and b) below:

a) The interior licence plate shall be fixed and displayed inside the vehicle in such a manner and place that the particulars thereon are clearly visible to any passengers being conveyed in the vehicle;
b) The exterior licence plate shall be fixed and displayed outside on the rear of the vehicle in a position that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plate is clearly visible;

1.19 All licence plates shall remain the property of the Council and shall be returned forthwith to the Licensing Section of the Council if the Hackney Carriage licence expires, is suspended or is revoked.

Types of vehicle, signage and advertising

1.20 Any vehicle other than a purpose built hackney carriage shall be white with black bonnet and boot, subject to the discretion of the Senior Licensing Officer. Purpose built vehicles must be black. A roof sign of the design approved by the Council must be displayed.

1.21 The vehicle shall display on the external surface of the front doors the Barnsley Metropolitan Borough Council crest and the wording "Barnsley Metropolitan Borough Council Licensed Hackney Carriage" any other sign or marking shall be at the discretion of the Council.

1.22 The Proprietor shall not allow more passengers to be carried in the vehicle than the maximum number specified on this licence, subject to the availability of a useable seatbelt for each person carried.

Requirement for fire extinguisher and first aid kit to be carried

1.23 The Proprietor shall cause to be carried on the vehicle an efficient fire extinguisher of a make and type approved by the Council and suitable for use on motor vehicles such extinguishers to be fixed on the vehicle in such a position as to be readily available for use and maintained in good working order at all times.

1.24 All licensed vehicles must carry a first aid kit. The contents should contain sufficient items, which would meet any minor emergency.

Taximeters

1.25 The vehicle shall be equipped with a taximeter, it shall not be used for hire unless such taximeter has been tested and approved by or on behalf of the Council.

1.26 Any person who:

- Tampers with any seal on any taximeter without lawful excuse or alters any taximeter with intent to mislead; or knowingly causes or permits a vehicle of which he is the Proprietor to be used in contravention of sub-section (1) of Section 71 of the Local Government (Miscellaneous Provisions) Act 1976 shall be guilty of an offence.

1.27 Where a replacement or new taximeter is fitted to a Hackney Carriage it must be calendar controlled compliant.

1.28 Any authorised officer of the Council or any constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney-carriage licensed by the Council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney-carriage or as to the accuracy of the taximeter he may by notice in writing require the Proprietor of the hackney-carriage to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied:-

1.29 Provided that, if the authorised officer or constable is not so satisfied before the expiration of a period of two months; the said licence shall, by virtue of this section, be deemed to have been revoked.

Reporting accident damage to the vehicle

1.30 The Proprietor of a Hackney Carriage vehicle licensed by the Council shall report to the Principal Licensing Officer, in writing, as soon as reasonably practicable, and in any case within seventy two hours of the occurrence thereof, 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.

1.31 Without prejudice to the provisions of the previous condition the Proprietor shall present the vehicle for inspection and testing by or on behalf of the Council within such a period and at such a place within the area of the Council as they may by notice reasonably require provided that the Council shall not under the provisions of this condition require the Proprietor to present the same vehicle for inspection and testing on more than three separate occasions during any one period of twelve months

Transfer of interest in the vehicle

1.32 If the Proprietor transfers his interest in the Hackney Carriage he shall **within fourteen days** after such transfer give notice in writing to the Principal Licensing Officer of the Council, specifying the name and address of the person to whom the vehicle has been transferred.

1.33 With reference to Section 49 (1) of the Local Government (Miscellaneous Provisions) Act 1976, the person to whom the vehicle is transferred must supply the Council's Licensing Section with the information required by the transfer of a private hire vehicle licence application form, within the **period of 14 days** specified in the said section.

Regular maintenance checks

1.34 Before the vehicle commences work each day the proprietor must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept on the vehicle for a minimum of 30 days and then for a further six months by the licence holder. On being so required by an authorised officer, the driver of the vehicle shall produce, to that officer, the recorded daily checks kept on the vehicle and the licence holder, on request by that officer, shall produce those recorded checks in his possession and/or those kept in the vehicle.

1.35 The vehicle and all 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.

1.36 The interior shall be free of all stains, splits, tears and the seats shall function in accordance with the original manufacturer's specification. All lights, doors, door locks, boot / tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods should be operating correctly.

1.37 The boot must be kept clear for use by the passengers except for storage of a spare wheel and jack and any other essential tools and / or spare parts. There must be adequate means for securing a reasonable amount of luggage.

1.38 The exterior of the vehicle shall be free of dents, rust or unrepaired accidental damage and shall at all times have uniform paintwork equivalent to that supplied by the manufacturer.

Proprietor's responsibility for the driver

1.39 Before the proprietor allows any other person to drive the private hire vehicle, the proprietor must:

a) Ensure that the driver holds a current Barnsley MBC dual driver's licence; and
b) Must retain a copy of that driver's licence until such time as the driver ceases to be employed to drive the vehicle;

CB Radios

1.40 A Citizen Band radio may only be installed or used in the vehicle subject to the following:

a) That permission for the installation or use of C.B. radios in the vehicle may be withdrawn by the Principal Licensing Officer at any time without notice;
b) That only mid-band C.B. radios shall be installed or used in the vehicle;
c) The C.B. radios shall only be used to advise other Hackney Carriage drivers of the availability of ranks or to summon help in any emergency;
d) No information about the identity and/or home address of any customer or passenger shall be issued in a C.B. radio transmission;
e) No obscene, offensive or abusive language shall be used;

Parking

1.41 No Driver or Proprietor shall contravene parking restrictions whilst using or being in charge of the vehicle.

Smoking

1.42 'No Smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with the above may lead to a fixed penalty notice being issued or a criminal prosecution.

Re-inspections

1.43 If a licensed vehicle fails an MOT test the vehicle licence will be immediately suspended until the vehicle has been rectified to the satisfaction of the testing station and the MOT standards.

Parking the vehicle when not carrying passengers

1.44 The licensed vehicle shall not be parked or positioned in such a manner as to cause obstruction on a public highway.

Vehicles constructed or adapted for wheelchair use

1.45 No person, other than a Barnsley MBC licensed driver who has satisfied the Council of their competency to safely load, unload and secure a wheelchair and its passenger, may drive the proprietor's private hire vehicle. **Notwithstanding** that they are a licensed private hire vehicle driver."

NB *This condition applies to all licences issued on or after 1st January 2011, where the vehicle is constructed or adapted for wheelchair use and applies at all times irrespective of whether or not the vehicle is carrying passengers.*

Trailers

1.46 No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to a Licensing Officer.

1.47 The vehicle licence plate must be clearly displayed on the rear of any trailer used, this licence place is in addition to that on the rear of the vehicle.

1.48 The contents of the trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all respects and where required, the licensed driver must hold the appropriate licence category as issued by the DVLA.

CCTV

1.49 In relation to CCTV systems proprietors must have CCTV equipment installed to the specification set by Barnsley MBC and ensure that it is operated in accordance with the Licensing Authority's Policy.

1.50 The vehicle must display a minimum of 3 warning signs clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons inside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.

1.51 The proprietor shall ensure that the CCTV system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions.

1.52 Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 24 months. Such written records shall be made available on demand by an authorised officer of the Licensing Authority.

1.53 The vehicle proprietor shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to the installed CCTV system.

Appendix F – Dual Driver Licence Conditions

BARNSLEY
Metropolitan Borough Council

DUAL DRIVER LICENCE CONDITIONS

1.1 These are the Standard Conditions attached to a dual driver's licence. Breach of these conditions may constitute an offence under the Local Government (Miscellaneous Provisions) Act 1976. Drivers should read these conditions carefully and ensure they understand and abide by them.

1.2 These conditions are to be read in conjunction with the appropriate sections of the Local Government (Miscellaneous Provisions) Act, 1976, Part II, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws.

1.3 The Council has a separate set of byelaws which govern the use of a hackney carriage by drivers which are contained in **Appendix H** of the Council's Taxi and Private Hire Policy.

1.4 Failure to comply with any of the conditions attached to this licence may result in the suspension or revocation of the licence to drive a private hire vehicle.

NB Although a 'dual' licence authorises a driver to drive both a private hire vehicle and a hackney carriage, these conditions only apply to the driver's use of a private hire vehicle.

1.5 Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these conditions to be given or served on the Proprietor by or on behalf of the Council or by an authorised officer.

1.6 The Local Government (Miscellaneous Provisions) Act, 1976, s 57(2)(a), allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a hackney carriage or private hire driver's licence should be granted and whether conditions should be attached.

1.7 The driver shall at all times when driving a private hire vehicle carry a copy of these conditions and shall make it available for inspection by the hirer or any other passenger(s) on request.

1.8 Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

Definitions

1.9 In these Conditions:

- “authorised officer” means any officer of the Council authorised in writing by the Service Director, Legal Services of the Council for the purposes of these Conditions;
- “the Council” means the Barnsley Metropolitan Borough Council;
- “driver” means a driver licensed by the Council to drive a hackney carriage or private hire vehicle
  “private hire vehicle” has the same meaning as in the Local Government Miscellaneous Provisions) Act 1976;
- “hackney carriage” has the same meaning as in the Town Police Clauses Act, 1847;
- “road” means any highway or road to which the public has access, including bridges over which a road passes;

General

1.10 The driver’s licence is issued in respect of the person whose details are printed on the licence and is **non-transferable**. If at any time during the period of the Licence the holder does not wish to retain any of the Licences, they may surrender the Licences to the Licensing Office at the Council. Until surrender, the driver remains bound by these Conditions.

1.11 The driver must not carry more passengers than the number prescribed in the licence for the vehicle, regardless of the age or size of the passenger.

Accepting bookings for a private hire vehicle

1.12 The driver cannot accept a private hire vehicle hiring unless it is **pre-booked in advance** through a Barnsley MBC licensed private hire operator

Fares

1.13 The driver cannot charge more than the fare agreed with the operator or displayed on the meter.

1.14 The driver must not without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.

1.15 Upon request by the hirer, the driver shall provide a receipt for the hiring, showing the date and fare paid, and shall be signed by the driver. Any such receipt shall also be in a form as to identify the driver or operator with whom the hiring was made

Notifications

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

1.17 The driver must notify the Licensing Section **in writing within 5 working days** details of any conviction, binding over, caution, fixed penalty notice*, warning or reprimand imposed on him/her during the period of the licence.

*this includes all motoring offences whether endorsable or not and the requirement to attend any speed awareness course

1.18 Specifically, the driver must notify the Council **in writing within 48 hours** of any arrest and release, charge or conviction for any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest or charge for any offence may result in a review by the Council as to whether the licence holder is fit to continue to do so.

1.19 Failure to notify the Council could be seen as behaviour that questions the honesty of the driver and therefore the suitability of the licence holder, regardless of the outcome of the initial allegation might remain open to question.

Touting or soliciting

1.20 The driver shall **not** while driving or in charge of a **private hire vehicle**:

a) Tout or solicit on a road or other public place for the purpose of hire and reward or to be carried for hire in any private hire vehicle;
b) Cause or procure any other person to tout or solicit on the road or the public place to hire or be carried for hire in any private hire vehicle;
c) Offer that vehicle for immediate hire while the driver or the vehicle is on a road or located within a public place;
d) Accept an offer for the immediate hire of that vehicle while the Licence Holder or that vehicle is on the road or located within a public place, except where such an offer is first communicated to the Licence Holder by telephone or by apparatus for wireless telegraphy fitted to that vehicle;

The driver's badge

1.21 The driver shall at all times when acting in accordance with this licence, wear in such a position as to be plainly and distinctly visible the badge issued to him/her by the Council pursuant to Section 54(1) of the Local Government (Miscellaneous Provisions) Act 1976. Hanging from the internal mirror is not acceptable.

1.22 The driver's badge shall remain the property of the Council and if their licence is revoked or not renewed he/she shall return the badge to the Council within ten working days subject to the exercise by the licensee of any rights of appeal in respect of such decision in which event they may retain possession of the badge pending the outcome of such appeal.

1.23 The driver must report the loss of their driver badge and or licence to the Council as soon as such loss becomes known. The driver badge remains the property of the Council and should be returned on expiry of the licence or surrendered on demand of an authorised officer of the Council or Police Constable.

Driver's conduct

1.24 The driver must at all times operate in a professional manner and comply with the Council's Code of Good Conduct (see **Appendix M** of this Policy).

1.25 The driver must at all times be smart, clean and respectable in his / her dress and person, and behave in a polite and courteous manner to passengers and other members of the public and road-users alike.

1.26 The driver must take all reasonable steps to ensure the safety and comfort of all passengers being transported in, entering, and leaving the vehicle and offer all reasonable assistance with any luggage or other baggage that the passenger may have.

1.27 The driver must not eat or drink in his / her Vehicle whilst carrying fare paying passengers.

1.28 The driver is not allowed to carry his/her own dog in a private hire vehicle whilst it is in use as a licensed vehicle.

1.29 The driver must not without the consent of the hirer play any radio, cassette or CD player or allow any of the equipment to cause annoyance to any person, whether inside or outside the private hire vehicle;

1.30 The driver must not sound the horn of their vehicle to notify the passenger of his / her arrival. The sounding of the horn is only to be used within the guidelines as set out in the appropriate legislation and the Highway Code.

Insurance

1.31 The driver must make sure that any private hire vehicle or hackney carriage they drive has a valid insurance certificate which covers themselves to drive before they do so (a copy of which must be deposited with the operator) and a valid certificate of compliance (or MOT) for the vehicle.

Regular maintenance checks

1.32 There is a requirement on vehicle proprietors to make regularly safety checks of their vehicles. In many cases, the proprietor will also be the driver. However, where the driver of a vehicle is not the proprietor then the driver is required by these conditions to undertake safety and other basic checks each day before the vehicle is used for private hire purposes.

1.33 Before the vehicle commences work each day, the driver must take steps to ensure that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended.

1.34 The vehicle and all 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

1.35 The interior shall be free of all stains, splits, tears and the seats shall function in accordance with the original manufacturer's specification. All lights, doors, door locks, boot / tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods should be operating correctly

1.36 The boot must be kept clear for use by the passengers except for storage of a spare wheel and jack and any other essential tools and / or spare parts. There must be adequate means for securing a reasonable amount of luggage;

1.37 The exterior of the vehicle shall be free of dents, rust or unrepaired accidental damage and shall at all times have uniform paintwork equivalent to that supplied by the manufacturer.

1.38 The driver must ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept on the vehicle for a minimum of 30 days and then for a further six months by the licence holder. On being so required by an authorised officer, the driver of the vehicle shall produce, to that officer, the recorded daily checks kept on the vehicle and the licence holder, on request by that officer, shall produce those recorded checks in his possession and/or those kept in the vehicle.

Reporting accident damage

1.39 The driver must immediately report to their operator and the vehicle proprietor the occurrence of any accident / incident involving their licensed vehicle, whether or not any damage materially affecting the safety, performance or appearance of the vehicle has occurred.

Maintaining medical fitness to drive

1.40 The driver must immediately report to their operator (if someone other than themselves) and the Council of any changes in his / her medical condition, whether such change should result from aging, illness, injury or any other cause and includes any deterioration of eyesight, diabetes or any other condition or illness

1.41 If the driver cannot satisfy the required medical standards, they may not be entitled to drive any vehicle and so their private hire or hackney carriage drivers licence could be subject to suspension, revocation or not renewed.

Carrying passengers with a disability

1.42 The driver must carry a guide dog or other assistance dog belonging to a passenger free of charge unless the driver has a certified medical condition that would preclude such action **and** has been given a Medical Exemption Certificate from the Council.

1.43 Such a certificate must be carried by the driver at all times when driving a private hire vehicle.

1.44 A driver of a wheelchair accessible vehicle must before the commencement of any journey ensure that all wheelchairs are firmly secured and that the brakes of all wheelchairs have been applied.

1.45 If, for some reason, a passenger in a wheelchair cannot be secured properly using the appropriate equipment installed in the vehicle, the driver must arrange with the operator for a suitable alternative vehicle to be provided for the safe passage of the hirer.

Vehicles constructed or adapted for wheelchair use

1.46 No person, other than a Barnsley MBC licensed driver who has satisfied the Council of their competency to safely load, unload and secure a wheelchair and its passenger, may drive the proprietor's private hire vehicle. **Notwithstanding** that they are a licensed private hire vehicle driver."

Use of CB radio, radio scanning devices and other mobile communications

1.47 The use of a Citizen Band (CB) transmitter/receiver and the use of radio scanning devices in any private hire vehicle is prohibited. Such equipment must not be fitted or carried in a licensed private hire vehicle at any time.

1.48 The driver must not use any handheld communications or navigation devices or similar (such as mobile telephone, two way radio, satellite navigation device or personal digital assistant) whilst driving. All Communications Devices must be securely fitted within the vehicle and appropriately located as to not interfere with operation of the vehicle.

Smoking in the vehicle

1.49 The Smoke Free Regulations 2007 state that any private hire or hackney carriage vehicle shall be smoke free if used by a member of the public whether or not for hire and reward.

1.50 A driver is not allowed to smoke in their vehicle **at any time** or permit any other person to smoke in their vehicle, whether they are working or not. Under the Health Act 2006 all private hire / hackney carriage vehicles are required to be smoke-free **at all times** even when not being used for work purposes.

1.51 ‘No Smoking’ signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with the above may lead to a fixed penalty notice being issued or a criminal prosecution

1.52 The use of electronic / vapour cigarettes is also **not** permitted to be used in a licensed vehicle.

Punctuality

1.53 The licensed driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

Parking

1.54 The driver shall not park or position the vehicle in such a manner as to cause obstruction on a public highway.

1.55 The driver of a private hire vehicle shall not park the vehicle at such ‘public’ locations or positions whereby the vehicle appears as if it is available for immediate hire. Similarly, the driver must not wait or park in a location, especially near to a place of entertainment hospitality or leisure which may encourage an approach from a member of the public to enquire as to the vehicle’s availability for hire.

Lost Property

1.56 At the end of every journey the driver shall carefully search the vehicle for any property which may have been accidentally left in the vehicle. If the driver finds any such property, or it is handed by any other person carried in the vehicle, the driver must hand the property over to the Operator with whom the booking was made.

CCTV

1.57 All licensed drivers using a hackney carriage vehicle or private hire vehicle which is fitted with CCTV gifted by Barnsley MBC must ensure at the start of their shift that the system is turned on and in working order and must remain on at all times when working for hire or reward. Any issues with the system must be reported to the vehicle proprietor immediately.

Appendix G – Private Hire Operator Licence Conditions

BARNSLEY
Metropolitan Borough Council

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

1.1 Any reference in these conditions to the "Act" means the Local Government (Miscellaneous Provisions) Act 1976. The operator shall comply with all relevant statutory requirements contained in Part II of the Local Government (Miscellaneous Provisions) Act, 1976.

1.2 The Licence is issued in respect of the person(s) and premises whose details are named on the licence, and is non-transferable. If at any time during the period of the licence the operator for any reason does not wish to retain the Licence, the licence may be surrendered to the Licensing Officer at the Council.

1.3 Failure to comply with any condition may also constitute an offence under Section of the Local Government (Miscellaneous Provisions) Act 1976.

1.4 Where conditions duplicate the provisions of primary legislation the primary legislation will apply.

Definitions

1.5 In these Conditions:

- "authorised officer" means any officer of the Council authorised in writing by the Service Director, Legal Services of the Council for the purposes of these Conditions;
- "the Council" means the Barnsley Metropolitan Borough Council;
- "operate" means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;
  "vehicle" means the private hire vehicle in respect of which a private hire vehicle licence has been issued, and has the same meaning as in Section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976

General

1.6 Every contract for the hire of a licenced private hire vehicle is deemed to be made with the operator who initially accepts the booking for that vehicle whether or not he/she provides the vehicle.

1.7 No person holding a Section 55 operators licence may operate a private hire vehicle without that vehicle and its driver each being licenced separately by Barnsley MBC.

1.8 The Operator can only operate vehicles and drivers licensed by Barnsley MBC.

1.9 The Operator must not allow the use of unlicensed drivers or vehicles under any circumstances.

1.10 It is the responsibility of the operator to obtain appropriate planning, building control or any other relevant permission in respect of the premises.

Notifications

1.11 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.

1.12 The operator must notify the Licensing Section **in writing within 5 working days** details of any conviction, binding over, caution, fixed penalty notice*, warning or reprimand imposed on him/her during the period of the licence.

*this includes all motoring offences whether endorsable or not and the requirement to attend any speed awareness course

1.13 Specifically, the operator must notify the Council **in writing within 48 hours** of any arrest and release, charge or conviction for any sexual offence, any offence involving dishonesty or violence. An arrest or charge for any of the offences listed above may result in a review by the Council as to whether the licence holder is fit to continue to do so.

1.14 Failure to notify the Council could be seen as behaviour that questions the honesty of the operator and therefore the suitability of the licence holder, regardless of the outcome of the initial allegation might remain open to question.

1.15 Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these conditions to be given or served on the Proprietor by or on behalf of the Council or by an authorised officer.

Requirement to keep records of vehicles and drivers

1.16 The operator shall keep comprehensive records of all licensed drivers including any hackney carriage driver undertaking private hire work, such as:

- The licensed driver's full name;
- Current address;
- Telephone number – mobile and home;
- Copy of the driver's DVLA licence;
- The driver's licence issued by Barnsley MBC;
- The vehicle licence;
- Vehicle details, i.e. make, model, colour, registration number;
- Vehicle identification documentation i.e. MOT, insurance certificate(s) / cover notes. Copies of these documents will demonstrate continuing insurance cover;
- The date when the driver began working for the operator and subsequently the date they stopped;
- Driver's call sign (if any);

1.17 All records kept by the operator shall be produced upon request to an authorised officer of the Council or Police Officer.

1.18 All records kept by the operator shall be kept for a period of 12 months following the date of the last entry.

1.19 The operator shall ensure that a full up to date list of drivers and vehicles working for the company is completed and presented to the licensing team when requested by the Licensing Section.

Records to be kept of each booking

1.20 The operator must keep a true and proper record of every booking of a private hire vehicle invited or accepted by him.

1.21 The record shall either be kept in a suitable book with consecutively numbered pages, or a proprietary computer booking and dispatch system.

1.22 Either way, the operator must, before each journey commences, enter the following:

1. The name of the passenger;
2. Date and time the booking was received;
3. The pick-up point;
4. The destination address;
5. How the booking was made, i.e. in person, by telephone;
6. The fare, if agreed, for the journey;
7. Name of the dispatcher unless dispatch carried out by computerised system;
8. Time the vehicle was despatched;
9. The name of the driver (including call identification)
10. The driver's licence number;
11. The vehicle registration number of the vehicle (including call sign);
12. The daily start for each driver;

1.23 In addition, the daily finish time of each driver should also be recorded.

Employment of ex-offenders

1.24 The operator is required to evidence that they have had sight of annual Basic DBS checks for all individuals listed on their register of booking and dispatch staff and employment of persons with prior convictions are compatible with the operators own policy on employing ex-offenders. Before 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.

Insurance

1.25 Operators must make sure that all hackney carriages and private hire vehicles operated are fully insured for use as a hackney carriage or a private hire vehicle at all times and has a valid Certificate of Compliance and a valid licence in force.

Retention and display of licence

1.26 The operator licence holder shall at all time keep on public display at the premises from which he/she operates, a copy of the Licence.

1.27 If the public do not have access to the premises, the operator shall produce the licence issued to him/her by the Council, upon request by an authorised officer.

Conduct of Operator

1.28 The operator shall provide a prompt, efficient, and reliable service and for this purpose shall in particular:

1.29 Ensure that when a vehicle has been booked, the driver and vehicle attend at the appointed time and place punctually, unless unforeseeably delayed or prevented by sufficient cause. If there is a known delay, the customer should be informed of this as soon as possible;

1.30 Ensure that all drivers, when working, are presentable and wearing their driver badge. All vehicles should be clean, roadworthy and that the vehicle licence plate issued by the Council is affixed to the vehicle in such a manner and position as prescribed by the Council.

1.31 The Operator shall not permit or encourage drivers to wait in any private hire vehicle at such ‘public’ locations or positions whereby the vehicle’s appearance makes it looks like it is available for immediate hire and / or its location may encourage an approach from a member of the public to enquire as to the vehicle’s availability for hire (which may or may not result in an actual hiring) which, had the driver / vehicle not been at that location, might not otherwise have been requested.

1.32 The operator, controller(s), driver(s) or anyone else connected with the business must not refuse a booking or otherwise discriminate against a customer or other member of the public either directly or indirectly on the grounds of gender, age, marital status, social class, race colour, ethnic or national origin, religion, disability (including the carrying of assistance animals) or sexual orientation.

Advertising

1.33 The operator shall not cause any advertisement in respect of his / her business or the vehicles used for that purpose to include the words **'taxi'** or '**cab'**, whether in the singular or plural, or any such other words that may be similar in meaning or appearance to either of those words, whether alone or as part of another word(s).

1.34 In addition to this requirement the operator should use best endeavours to ensure the vehicle when working must **permanently*** display on its front doors the words **Private Hire Vehicle Advanced Booking Only** and must display on the rear offside and near side doors/panel of the vehicle **the maximum of two** operator trade or business name/s and telephone number/s. No other signs or words whatsoever shall be displayed.

***Magnetic "Private Hire Advanced Booking Only" signs are not permitted.**

1.35 The "**Private Hire Vehicle Advanced Booking Only**" signage must be in a contrasting colour to the vehicle, be at least 19" x 6" in area and be in a prominent position in the centre of the door panel.

1.36 The operator shall not cause or permit any licensed vehicle operated by him / her / the company to display operator livery that has not been approved by the Council in writing.

Sub-contracting

1.37 Section 55A of the 1976 Act, inserted by the Deregulation Act 2015 permits operators licensed by the Council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed operator holding a private hire Operators licence granted by another local authority. **A booking must not be sub-contracted directly to a licensed driver.**

1.38 The operator must advise the customer that the booking is being sub-contracted to another licensed operator and provide the customer the details of that licensed operator

NB If a journey is sub contracted to another operator the details above must still be recorded and kept in accordance with these conditions by the operator who took the initial call.

1.39 The operator shall at all times have valid Employers' Liability Compulsory Insurance in place and Public Liability Insurance. A copy of both of these certificates shall be displayed on the premises where the public can view them.

Complaints

1.40 The operator must have a complaints procedure in place, which can be audited and checked by the licensing authority at any time on request.

1.41 Any complaints made against the operator, driver(s), vehicle(s), or any other aspect of the business, must be recorded either electronically or by any other method and be available for inspection by an authorised officer or police officer.

1.42 Any complaint received should show what action has been undertaken and if the complaint has been resolved. There must be in place a complaint / procedure policy giving details of what procedures will be followed if a complaint is made. This document must be made available for inspection by an authorised officer.

1.43 At the request of the Council, an operator must produce at a date to be agreed, all records of complaints received during that period of time.

1.44 All records shall be kept for a period of not less than 1 year from the date of the last entry and any records stored electronically must be capable of being downloaded and/or printed.

1.45 All complaints of a serious nature should be reported to the Licensing Officer within 24 hours.

Lost Property

1.46 The operator shall keep a record book of particulars of any property accidentally left in a vehicle. Items found containing personal data should be reported to the issuing authority i.e., DVLA (Driving Licence), Home Office (Passport), Bank Card, (issuing bank), if you are unable to do this, the property can be handed in to the Police. In any event, it is the Operator's responsibility to make reasonable efforts to trace the owner.

Appendix H – Byelaws in Relation to Hackney Carriage Drivers and Vehicles

BARNSLEY
Metropolitan Borough Council

BYELAWS IN RELATION TO HACKNEY CARRIAGE DRIVERS AND VEHICLES

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Council of the Metropolitan Borough of Barnsley with respect to hackney carriages in the Metropolitan Borough of Barnsley.

Interpretation

1. Throughout these byelaws:
    a. "the Council" means the Council of the Metropolitan Borough of Barnsley;
    b. "the District" means the Metropolitan Borough of Barnsley;

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 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 of regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-

a. Provide sufficient means by which a 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;
j. Furnish the carriage with an efficient lamp so constructed and affixed as to afford sufficient lighting for the interior of the carriage;
k. The proprietor of a hackney carriage shall cause the carriage to be fitted with a sign which bears the words "**FOR HIRE**" in letters two inches in height and is fitted with the means whereby these words may be electrically illuminated; such sign shall be fitted in the centre at the front of the canopy of the carriage in such a manner that the aforesaid words are clearly and distinctly visible and legible at all times when the sign is illuminated;
l. The driver of a hackney carriage shall cause any sign bearing the words "**FOR HIRE"** which is affixed on the carriage in accordance with the requirements of the foregoing byelaw to be electrically illuminated so as to be clearly visible both by day and by night at all times when the carriage is standing or plying for hire within the district, but not hired;

4. The proprietor of a hackney carriage shall within twelve months of the date of confirmation of these byelaws cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:-
    a. The taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “**HIRED”** to appear on the face of the taximeter;
    b. Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
    c. When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
    d. The word **"FARE"** shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
    e. The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in

the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;

f. The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;

5. The driver of a hackney carriage provided with a taximeter shall:-
    a. When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
    b. As soon as carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word **"HIRED"** is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
    c. Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer;
6. A proprietor of 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 sales affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
    a. Proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
    b. If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
    c. On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
    d. From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
    e. When the first carriage on the stand remain with the carriage and be ready to be hired at once by any person;
8. The driver of a hackney carriage shall not, save with the express consent of the hirer, smoke at any time whilst the carriage is occupied by a passenger or passengers;
9. A proprietor or driver of a hackney carriage shall not use or permit the carriage to be used or occupied by any person for any indecent immoral or improper purpose;
10. The driver of a hackney carriage who is standing or plying for hire shall at any time when required by any person produce a copy of these byelaws;
11. 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;

12. 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;
13. The proprietor or driver of a hackney carriage who has agreed or had 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;
14. 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;
15. 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
16. 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;
17. 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;
18.
    a. The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaws 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;

Proprietors securing the safe custody and redelivery of property accidentally left in hackney carriages and fixing the charges to be made in respect thereof

19. 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;
20. The proprietor of driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
    a. Take the property as soon as practicable to a Police Station within the Barnsley Borough area;
    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;

Penalties

21. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each date during which the offence continued after the conviction therefore.

Appendix I – Determining Dispensations from the Display of Private Hire Vehicle Licence Plates

BARNSLEY
Metropolitan Borough Council

DETERMINING DISPENSATIONS FROM THE DISPLAY OF PRIVATE HIRE VEHICLE LICENCE PLATES

1.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that the Council must issue a private hire vehicle licence with an identity plate or disc and that the proprietor should not use, or permit the use of that vehicle without displaying the plate in the manner prescribed by the Council.

1.2 The Act also gives the Council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle in certain circumstances.

1.3 The clear identification of a licensed vehicle is considered a crucial safety aspect, particularly when visiting such places as airports and the centres of large towns. Each application for a dispensation will therefore be considered on its own merits with the overriding consideration being the safety of the public.

1.4 Dispensation will not be granted as a matter of course. A clear case for the dispensation will have to be made by the vehicle proprietor to the Council. In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the dispensation should be granted. The high quality of the vehicle being used will be supportive of an application, but will not be the sole determining factor. Dispensations will normally be granted only where the work is carried out mainly or wholly outside the Borough. Journeys conducted wholly or mainly within the Borough will not normally be granted a dispensation unless there are exceptional reasons to do so.

1.5 The type of vehicle that might be considered appropriate for dispensation will, by necessity be of the ‘luxury’ or ‘executive’ type and will need to be in immaculate condition both inside and out with no visible defects or marks. Photographs of the proposed vehicle will normally be requested as part of the application.

1.6 The type of work which would be considered for the grant of a dispensation would be termed ‘executive style’ and, although not limited to, could include:

a) Contracts with senior personnel of large companies to carry a managing director or their clients;

b) Contracts with national or local government, or similar agencies, to carry senior personnel and guests on official business;
c) The carriage of well-known personalities such as sports stars or other celebrities

1.7 The Council expects that vehicles proposed for exemption will be engaged solely or substantially in the provision of the above type of executive work or similar. Other situations will be considered on their individual merits. Applicants may be required to provide further details and supporting documentation, for example, a business plan including contracts and the reasons for requiring exemption from displaying the normal private hire markings.

1.8 Where a dispensation is granted the vehicle must not display any indication that it is a private hire vehicle. This includes window/door stickers, advertising, company names, telephone, numbers and web site addresses or any form of advert or display that indicates that the vehicle is a private hire vehicle or is available for future hire.

1.9 Drivers of vehicles that have been granted dispensations will be expected to be dressed smartly at all times i.e. suit and tie, tailored dress etc.

1.10 For vehicles that qualify for a dispensation, the following additional conditions will apply:

1. The vehicle will be luxurious and of a higher specification than standard model vehicles. It should be relatively new, ideally under 3 years old (*though age will not preclude the licensing of a vehicle in exceptionally good condition*) and be of suitable size, appearance and design;
2. All bookings requiring an exempt vehicle must be made by way of a written contract. Such contracts must be in place for no less than 24 hours prior to the commencement of the journey. Written contracts shall be made available for inspection by an Authorised Officer or Police Constable at any reasonable time and be retained for a period of not less than 12 months;
3. Exempt Vehicles that conduct Private Hire work without a written contract in place as per condition 2 above could have their exempt vehicle status withdrawn. They will then be required to display the Council's standard Private Hire Vehicle Licence plates both internally and externally on the vehicle;
4. Exempt Vehicles shall not display any external markings e.g. operator details or advertisements;
5. Vehicles will be required to display the rear license plate mounted internally to the boot lid and the vehicle's front licence plate should be carried in the front passenger glove box indicating that the vehicle is a licensed private hire vehicle with the Council;
6. A paper copy of the private hire vehicle and Exemption Notice must also be carried within the vehicle and must be available for inspection (on request) by any interested party;
7. The hirer must be advised in advance of the journey that the vehicle dispatched to collect them will not be displaying the standard private hire vehicle licence plates;

8. A vehicle which is awarded exemption remains a licensed private hire vehicle and, as such, can only be driven by a Council licensed private hire driver and booked in advance through a Council licensed private hire operator;
9. While the licensed vehicle is covered by the dispensation, the vehicle must not undertake any “regular” private hire work;

NB Any breach of the exempt vehicle conditions could result in the vehicle having its exempt vehicle status withdrawn and the vehicle must then display the private hire vehicle licence plate.

Appendix J – Policy Guidance

BARNSLEY
Metropolitan Borough Council

Policy Guidance to Assist with the Assessment of Suitability with regard to all Private Hire Driver, Private Hire Vehicle Proprietor, Hackney Carriage Driver, Hackney Carriage Vehicle Proprietor and Private Hire Operator Licences

(This suitability guidance has been adopted from the Institute of Licensing)

Version 8
Revised – 18th December 2024

Foreword

Taxi licensing began in 1635, when King Charles I limited the numbers of hired coaches in London. Charles II seemed disinclined to abandon regulation. He issued more licences, set fees and standards.

The present licensing system has its roots in the Town Police Clauses Act 1847 which declared “Hackney carriages to be licensed”. Although the requirement for licensing was national, standards and enforcement were local, through Commissioners, and taxi licensing has been determinedly local ever since.

The first – and most recent - edition of this Guidance was published in April 2018. It noted that there had been “no recent Statutory or Ministerial Guidance as to how decisions should be approached or what matters are relevant or material to such a decision”.

In my work as Chair of the Independent Inquiry into Telford Child Sexual Exploitation, I heard lacerating accounts from children sexually exploited by taxi drivers. I further heard that it was essentially impossible for the Borough to enforce local standards as over the years different – even neighbouring - authorities had maintained different approaches to drivers’ characters and behaviours, as to required driver training and even as to vehicle condition.

The first edition of this Guidance contained advice as to each of those elements, and detailed consideration of the effect of particular types of offending on suitability, all of which plainly **influenced the Department for Transport’s subsequent Statutory Guidance. Since then, the Taxis and** Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 has mandated the use of the NR3S database by English local authorities.

The progress is plainly welcome, and this thoughtful and comprehensive second edition of the Guidance will no doubt influence the debate as its predecessor did. But while this Guidance sets a goal of consistency, as long as the system allows drivers to choose their licensing authority by price, rather than by the area in which they operate, it is the low-cost, lighter touch regulators that will thrive and those (like Telford) who have put in place thoughtful suitability criteria, including high quality training, that will struggle for custom. It seems to me that is not only an odd result of something deemed “localism”, but also one profoundly not in the public interest.

In 2018 a government report recommended legislation for national minimum standards for taxi and PHV licensing; the Government agreed, and said that it would take forward legislation “when time allows”. Perhaps, after almost 400 years, an Act in the reign of Charles III might finish the job his predecessors began.

TOM CROWTHER KC
23ES CHAMBERS

[courtesy of Institute of Licensing]

Acknowledgements from Institute of Licensing (IoL)

The IoL originally published its *Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades* in April 2018. The original Guidance was the result of many months of work by a dedicated group of individuals who formed the Suitability Working Group.

The April 2018 publication was formally endorsed by the Local Government Association, Lawyers in Local Government, and the National Association of Licensing and Enforcement Officers. It was gratifying when Chapter 4 of the original guidance was closely mirrored in the annex at s 10 of the Department of Transport's Statutory taxi and private hire vehicle standards, published in 2020.

The Guidance was and is intended to assist local licensing authorities in considering their own local licensing policies on determining the suitability of applicants and licence holders for taxi and private hire licensing. It was well received among such authorities generally, with many updating or reviewing their policies by incorporating the guidance in part or in whole, ahead of or subsequent to the publication of the DfT standards. The Guidance has been successfully cited in courts where it has been so incorporated by authorities and as a stand-alone reference.

The Suitability Working Group had an informal review planned for 2021. Work started in 2022 (delayed from 2021 due to the pandemic), with an initial consultation (round 1) in 2022 on the effectiveness and level of adoption of the guidance. The Working Group assessed the round 1 consultation responses but opted to pause the work pending the then anticipated imminent publication of the DfT's *Best Practice Guidance* which eventually followed in November 2023.

The draft revised Guidance was subject to a further consultation (round 2), which closed on 30 September 2024, following which all the consultation responses were carefully reviewed in producing this revised Guidance.

With sincere thanks to the Suitability Working Group:

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- Phil Bates, Licensing Manager, Southampton City Council
- Ellie Birch, IoL Executive Assistant
- James Button, James Button & Co Solicitors
- Linda Cannon, former Licensing Manager, Basingstoke Council
- Yvonne Lewis, Licensing Manager, City & County of Swansea
- John Miley, former Licensing Manager (Broxtowe Council) and National Chair for NALEO
- Sue Nelson, IoL Executive Officer
- Professor James Treadwell, Professor of Criminology, Staffordshire University

Suitability Guidance Preface

Chapter 1: Introduction is an introduction to the Suitability Guidance. It refers to the importance of the licensing regime in protecting public safety and sets out the legislative position that a licensing authority must be satisfied has been met by an applicant before deciding if they are a fit and proper person to hold a licence.

Chapter 1 refers to policies having a "bright line approach" and explains the position in this regard. Finally, Chapter 1 sets out some of the approaches taken in later chapters of the Suitability Guidance, which will be looked at in turn.

Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview, has been extensively reviewed. It looks at patterns of behaviour for offenders, and aims to assist licensing authorities in considering previous convictions and non-conviction information (complaints etc) alongside time factors (time elapsed), trends and the nature of behaviours in order to make a reasoned judgement of suitability when there are matters of concern.

While considering all criminal behaviour, this chapter looks in detail at sexual offences, which are naturally of key concern when considering an individual's suitability to hold a licence. It underlines the role of licensing as a form of safeguarding and risk management of activities, recognising that licensees are in positions of trust, and have the opportunity to take advantage of potentially vulnerable passengers on a daily basis.

Chapter 3: Taxi and Private Hire Licensing Overview provides an overview of taxi and private hire licensing law, including the legislative framework, and the principal objective of the licensing regime (to protect the public).

The chapter looks at the licence types under the regime, and considers the application and decision-making processes and key considerations in each case, including the legal thresholds which apply (for example the need for the local authority to be satisfied that an individual is a fit and proper person before granting a licence). It emphasises the need for reasoned decisions and clear records of decisions to be maintained. There are references to relevant parts of the DfT's Statutory taxi and private hire standards and the system of recording refusals, suspensions and revocations on the NR3S database (mandated in England and wholly adopted in Wales).

Chapter 3 acknowledges that the vast majority of applicants and licence holders are decent, law-abiding people who work hard to provide a good service to their customers and the local community. They are an essential part of our communities, and many local residents rely heavily on them. The licensing regime, when working correctly, should exclude those who are not safe and suitable from the profession,

protect licensees as a whole by increasing public confidence, and uphold the professionalism of the industry.

Chapter 4: Guidance on Determination has been subject to much discussion and review. The overriding principle of listing categories of offending rather than listing specific offences has been maintained. This is essential as consideration is not confined to conviction information - non-conviction information is relevant and must be considered alongside convictions. In addition, a list of specific offences would be too narrow, and become superseded by new offences, or arguments that a particular offence was "different" from a listed one.

Some categories have been expanded. For example, "exploitation" now includes "criminal harassment"; "offences involving violence" includes fear of violence and violence against property, animals and the State; and "sex and indecency offences" includes a reference to the "Sex Offenders' Register" and "barred" lists.

Additional categories have been included: "alcohol misuse or dependency", in addition to "drugs misuse" (which now includes "dependency"), and a further category of "discrimination". There is also a section on behaviours which looks at non-criminal behaviours which would be a potential cause for concern.

Motoring offences have been an area which has been subject to intense discussion. This was the main area of feedback on the original Guidance, in particular the reference to minor traffic or vehicle related offences. The "motoring offences" section sets out the guidelines in relation to motoring offences and the reasoning behind them.

Chapter 4 maintains the view set out in the original guidance, that the considerations under each category should be applied when considering applicants and licensees for driver, operator and vehicle proprietor licences.

Terminology

This Guidance follows the approach to terminology used by the Department for Transport (DfT) in its Best Practice Guidance:

> Vehicles licensed under section 37 of the Town Polices Clauses Act 1847 and section 6 of the Metropolitan Carriage Act 1869 are referred to in that legislation as 'hackney carriages'. This term is also used in older regulations. In more recent legislation the term 'taxi' is used.

In this document 'taxi' means a hackney carriage. It does not include private hire vehicles (PHVs).

When referring to both types, the term "taxi and private hire" is used.

Chapter 1: Introduction

1.1 This document was originally published by the Institute of Licensing in April 2018 and this revised edition follows extensive consultation and review. As previously, it has been produced by the Institute working in partnership with the Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO). We are grateful to all those organisations for their contributions and endorsement. The Guidance has also been endorsed by the National Anti-Fraud Network (NAFN) and the Welsh Local Government Association (WLGA).

1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Taxi or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Taxi and Private Hire services. It is a regulated activity, and the purpose of regulation is to ensure, so far as possible, that those engaging in this activity are suitable persons to do so. Entry requirements are necessarily high to ensure the safety of the public, and the reputation of those who are themselves licensed.

1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications. The onus lies with the applicant or licensee to satisfy the licensing authority that they are or remain a fit and proper person. It is a key part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgement as to their fitness and propriety.

1.4 If a licensee falls short of the fit and proper standard at any time after grant, the licence should be revoked or not renewed on application to do so.

1.5 There is some Statutory and non-statutory guidance as to how such decisions should be approached or what matters are relevant or material to a decision contained in the DfT "*Statutory Taxi and Private Hire Vehicle Standards*", *"Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England"* and the Welsh Government's *"Taxi and private hire vehicles: licensing guidance",* but it is not comprehensive. This document complements that guidance as does the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any further Government guidance. It is gratifying and seen as an endorsement of the previous edition of this document that the DfT accepted the suggested convictions guidance in Chapter 4, almost in its entirety.

1.6 Local authorities in England should be complying with the requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which requires use of the NR3S database hosted by the National Anti-Fraud Network. Such use is currently advisory in Wales.

1.7 Chapter 4 of this document provides licensing authorities and their decision makers with guidance on determining suitability, taking into account the character of the applicant or licensee. Licensing authorities are encouraged to adopt this guidance within their own Taxi and Private Hire policies. In particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it should not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case. Any departure from the adopted policy should be the exception, rather than the rule.

1.8 A licensing authority can say "never" in a policy, known as taking a 'bright line approach', but it remains a policy, and as such does not amount to any fetter on the discretion of the authority. This approach was endorsed by the High Court in *R (on the application of Nicholds).* Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will only happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. Full and detailed reasons must be provided to the applicant or licensee for every decision, including the reasons for any departure from the Council's policy.

1.9 In Chapter 2 this document explores the current academic thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraphs 1.7 and 1.8 and Chapters 3 and 4.

1.10 Chapter 3 of this document sets out in overview form the Institute's view of the current law, practice and procedure relating to Taxi and Private Hire licensing. Neither Chapter 3 nor any other part of this document constitutes formal legal advice which licensing authorities should obtain for themselves where required.

1.11 The guidance in Chapter 4 contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by a licensing authority's policy or guidance as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.

1.12 The guidance in Chapter 4 cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between

authorities. It is acknowledged that this cannot be fully achieved without the imposition of national standards.

1.13 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Taxi and Private Hire Trades, Academics, the Probation Service, NAFN, National and Local Governments, interested Charities and the Police.

Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview

2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public. With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.

2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour. While all offending behaviour can be considered when it comes to fitness and propriety, the unique position that licensed taxi and private hire drivers occupy in terms of their occupation and the opportunities and risks that come with such employment mean that some focus and understanding of the nature and character of violent and sexual offences is valuable. Such offences are often important as indicators that an individual might present a risk of serious harm to other people.

2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining potential future behaviour as well as culpability, it is essential that the decision maker(s) considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed. The wider and broader the evidence base that can be considered, the better the judgement is likely to be.

2.4 Crime tends to emerge in teen years, and many people commit offences but do not find themselves persistently involved in crime and criminality. Those who do become more frequent offenders tend to share several risk factors: associations with delinquent peers; school/employment problems; family problems; certain types of mental health problems; and alcohol/substance abuse are the most important predictors of persistence in crime. The predictors of persistence in crime highlight the multiple causes of persistent antisocial behaviour, and how antisocial behaviour and attitudes can be quite deep rooted. While people who commit crime can and do change and reform, there is also useful predictive value in previous conduct, as past behaviour is often a good indicator of underlying attitudes and potential future conduct.

2.5 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years, offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. While this is true, such points should not be used to downplay the vital role that disbarring people of bad character from roles and occupations which provide heightened opportunity for them to harm plays. What can be done, is to examine each case on its individual merits, and

look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.

2.6 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is public protection. This includes assessing the risk of re-offending and the risk and scale of harm. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences in the criminal justice system. Local Authorities are not always privy to this information, so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

2.7 Flaud noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place.

2.8 In the Criminal Justice system, His Majesty's Prison and Probation Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards both static and dynamic factors. While no risk assessment can be infallible, there has been a growing recognition for the need to make justifiable and defensible decisions based on public protection.

2.9 Understanding the person, their history (including any offending) and their patterns of behaviour and establishing both risk factors related to future offending and protective factors which reduce the risk of future offending is at the centre of managing risk. Risk Factors are aspects of an individual offender's life that have inclined them towards harmful behaviour. Protective factors are the features of an individual's life that may incline them away from harmful behaviour.

2.10 Static factors are historical and do not change such as age, and previous convictions. These can be used as a basis for actuarial assessments and are core in considering an individual's potential to reoffend in future. For example, about half imprisoned adults are reconvicted within two years of release from custody. It is also widely accepted that persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous convictions. In 2022 adults released from custody or starting a court order had a proven reoffending rate of 33.4% within a year of their conviction in court or release from prison.

2.11 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity. Behaviour can also be a factor in assessing risk, and behavioural changes can be used in making risk assessments. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated or is a

risk, it is important to have regard towards the motivation behind their offending, and the dynamic risk factors present at the time of offences against the steps taken to address such factors, thus reducing the risk of re-offending.

2.12 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population. Many of these factors are interlinked and embedded in an individual's past experiences. These factors can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed. However, we also ought to recognise that, and at core, known previous behaviour is the best predictor of future behaviour bar none. Good risk assessment is evidence based and uses statistical evidence, understands offence type and risk factors, but also is individualised and takes account of factors that can reduce or increase an individual's risk. It is also holistic and takes account of behaviour in a range of contexts and a good understanding of the whole person at the centre of the assessment. It also requires a somewhat critical and sceptical attitude and doubt towards emotional claims and assertions of change. Often persistent offenders will claim that they have stopped offending only to be reconvicted. These are assertions from the subject that are challenged by contradictory behaviours.

2.13 Whether a person who has offended is a risk in the future is a complex debate and has given rise to extensive publications, theories and changes in legislation, with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described in criminal justice as "any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual's ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time".

2.14 Kurlychek, in her study noted that "a person who has offended in the past has been found to have a high probability of reoffending, but this risk is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age". In contrast though, one of the few long-term studies (The Sheffield Desistance Study) which examined the lives of 113 men aged 19–22 years over four years. Their subsequent convictions over the next ten years generally demonstrate a pattern of continuing convictions, but with major crime-free gaps suggesting with some very persistent offenders, desistance, if seen as continuing cessation from crime, may not be fulfilled.

2.15 A consistent finding in criminological literature is that many male offenders tend to desist from crime over time, and risk of offending even for those previously convicted reduces once individuals reach the aged 30 years and over. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social

relationship. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females is 14 compared to 19 for males. It is true that generally many people do age out of crime, but we should be careful not to count all crime as the same. Serious sexual and violent offences may not be the same as acquisitive offences.

2.16 Some people are convicted of crime and will not be further convicted. The Rehabilitation of Offenders Act 1974 aims to help some offenders re-enter the workforce and makes some convictions spent after a determined period. For people who have been involved in persistent and more serious offending, it is a difficult and complex process, likely to involve lapses and relapses. Some criminal convictions, especially those attracting lengthy prison sentences are not considered spent. Some individuals may never desist from crime. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low risk of re-offending. Often the only way of achieving this is through lapse of significant time.

2.17 Typically, the longer the time elapsed since an offence has been committed, the more likely the individual has desisted from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that "individuals who have offended in the distant past seem less likely to re-offend or offend again than individuals who have offended in the recent past". This is likely substantively true, and yet there are some categories of crime, and some crime types, perhaps particularly sexual offences, where caution is very much needed, because those crimes are so much less frequently taken through the justice system successfully and the offence may illustrate more complex attitudinal and behavioural and thinking patterns. For general offences (not violence and sexual offences), some academics have suggested that a period of around seven years is when the risk of offending for convicted offenders and non-convicted population becomes the same.

2.18 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual's previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when deciding whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person's ability to sustain such change. This can be a long process that can only be achieved over time.

2.19 Offences where taxi and private hire drivers are victims are much more frequent than offences by such drivers. Taxi and private hire drivers are often in situations where they can face victimisation in terms of violence, threat, assault and false

allegations. It must be recognised that taxi and private hire drivers have access to people who are vulnerable because of their situation, very often as a sole individual unsupervised in a vehicle. A small minority of people may seek to abuse their positions, or even secure positions because of the potential to take advantage of passengers' trust and vulnerability.

2.20 It is estimated that 23.5 per cent of males in England and Wales in the age range 10 – 52 in 2006 had had a previous a conviction. For adult males aged between 18 and 52 the figure is 28.2 per cent. Almost a third of all adult males in the UK have a criminal conviction. However, often individuals will come to light and be recognised because of patterns of behaviour, not always criminal behaviour. It ought to be remembered that a great deal of criminal behaviour in some categories may never come to be known about by authorities, and it is widely accepted that, for example, violence against women and girls, domestic violence and sexual crimes tend to be the most under reported and least convicted.

2.21 According to ONS crime statistics for England and Wales, 20% of women (1 in 5) and 4% of men will experience sexual violence in their lifetime. It is vital that it is recognised that a great deal, and likely most, of the sexual abuse may never be reported. It has been suggested that some 40% of adults who are raped will not report, and unreported childhood cases are likely much higher. The Crime Survey for England and Wales (CSEW) estimated that 1.1 million adults aged 16 years and over experienced sexual assault in the year ending March 2022 (798,000 women and 275,000 men).

2.22 It is claimed that only some 10-15% of sexual offences are reported to the police in any year, and even when reported, sexual crimes are amongst the hardest to prove. In 2018 less than 1 in 65 reports of rape (1.5%) resulted in a charge or summons. However, according to CSEW statistics for the year ending March 2022, sexual offences recorded by the police were at the highest level recorded. In May 2021, there were 95,844 people on the sex offenders register in England and Wales, yet based on the accessing of Child Sexual Exploitation material the UK's National Crime Agency estimate that there could be between some 550,000 and 850,000 people in the UK who pose varying forms of sexual risk to children. While there is no consensus about the pathways between non-contact and contact offending, it seems sensible to consider even one incidence of possession of child sexual exploitation material must be seen as a risk flag.

2.23 There are a range of crimes that can be considered as sexual offences, including non-consensual crimes such as rape or sexual assault, crimes against children including child sexual abuse or grooming, and crimes that exploit others for a sexual purpose, whether in person or online. Crimes can occur between strangers, friends, acquaintances, current or ex-partners, or family members. The passage of time does not prevent the effective prosecution of sexual offences, and an increasing number of cases referred to the CPS by police feature allegations of a non-recent nature.

2.24 There is also complexity added to the category of sexual offences as there can be a sexual component in offences that may not be categorised primarily as a sexual offence, and the category runs a full gambit from sexually motivated homicides to non-contact internet offending in the form of possession of Child Sexual Exploitation material.

2.25 Sexual offences are prosecuted as part of the CPS Violence Against Women and Girls (VAWG) Strategy. This is an overarching framework to address crimes that have been identified as being committed primarily but not exclusively by men against women, but we ought not forget that men also commit sexual offences against men and boys. Reynhard Sinaga, a postgraduate student jailed for life in 2020 is who is thought to be the UK's "most prolific rapist" was convicted of 136 rapes in Manchester and is believed by police to have assaulted over 200 men. There is a huge variation in sexual offenders, and there is a range of complex factors in their offending, which can vary hugely and significantly. Some historic crimes are no longer crimes due to changes in legislation since their conviction. For example, alterations in the age of consent that existed for gay men.

2.26 There is no singular type when it comes to sexual offending, and there are many gaps in knowledge. We know that most sexual offenders are men. Sex offenders constitute a diverse population of individuals and can be classified into types based upon characteristics and motivations of offending. The most common classification systems are those differentiating between types of rapists, child molesters, female sex offenders, juvenile sex offenders and cyber-sex offenders. There is also sometimes a division between non-contact (online) and contact offending, and discussions about whether the former is a pathway to the latter. It is often said that reoffending amongst sexual offenders is lower than that of general offenders, but we need to be careful to also frame that with the general knowledge we have about the complexity and difficulty in securing convictions for sexual offences generally.

2.27 Sex offenders constitute a similarly diverse group of individuals who begin offending for a range of reasons. Many offenders do not fit into discrete categories. Like violent offenders, sexual offenders have unique personal and criminal histories, and the attitudes and beliefs that support their deviant behaviour can vary. There is no clear-cut profile of a sex offender. Some offenders were sexually abused as children, but others have no such history. Some are unable to function sexually with adult partners and so prey on children, while others also have sexual relations with adults. Research shows that sexual offenders exhibit a variety of characteristics. Abusive people, including sexual offenders, typically think they are unique, they are different from other people, they have a sense of entitlement and do not have to follow the same rules as everyone else. Rather than being unique, abusers and sexual offenders often have a lot in common with one another, including their patterns of thinking and behaving. They are also often highly manipulative of other people and situations and will employ a range of tactics that can include lying, upsetting others or intimidating them with threats. Equally, they may attempt to charm people, engender feelings of sympathy to manipulate, feign

interest or concern, or attempt to elicit sympathy. Sex offenders when compared to other offenders generally:

- Are more likely to deny their behaviour and guilt, can lack empathy (and victim) empathy and ability to understand or see things from the point of view of others.
- Have inappropriate or be very fixed in attitudes and character, including attitudes to sex.
- Put themselves in places and situations where vulnerable victims are present. (Offenders may frequent an amusement arcade or join a social media site or gaming platform where they will regularly be engaging with youth on a peer level or attempt to become a taxi or private hire driver" as referred to in the Telford report).
- The motivations to sexually offend can vary from offender to offender and offence to offence, but the specific deviant sexual motivations including paraphilias (a persistent and recurrent sexual interests, urges, fantasies, or behaviours of marked intensity involving objects, activities, or even situations that are atypical in nature) are often apparent. However sexual offenders will commit nonsexual offences.

2.28 Like sexual offenders, violent offenders are a diverse population, whose offences generally tend to be either expressive (a loss of control and anger) or instrumental (violence that is used to acquire or gain something, including some forms of acquisitive violence). We know that men commit far more violent offences than women and a very small group (less than 5% of the male population tend to commit around 50-70% of violent crime. Often the most persistent violent offenders commence offending early in life and are characterised by criminal versatility, but because of their overt nature, much violence (with exceptions around domestic and intimate partner violence) has tended to be detected and prosecuted. Serious violence tends to result in conviction.

2.29 The risk of harm is not always linked to the offences committed previously, as persistent and repeat offenders often escalate or fluctuate in terms of the severity of crimes and the type of offences that they commit, and offenders often are not specialist and do not restrict themselves to one sort of crime.

2.30 Criminal versatility and a diversity of criminal offence types can also be indicative of underlying antisocial attitudes. Previous behaviour is a good indicator of future risks. Any conviction for a serious violent or sexual offence suggests at a degree of risk to the public that is heightened over those who have no convictions.

2.31 Beyond a very narrow core of hard cases, there are issues in both the boundaries of what constitutes the kind of behaviour that can be considered dangerous, which is open to dispute, and to what degree of likelihood of future risk should be required before an individual can be said to present a danger of future offending and subject to restrictions?

2.32 What is vital when considering violent and sexual offences are the access and opportunity that the offender requires to attempt to commit any offence. This is the focus of situational and administrative criminology. Situational crime prevention (SCP) is an applied criminological paradigm founded on two distinct, complementary conceptions of criminal situations. The first is the rational choice and the second is the routine activities perspectives.

2.33 SCP approaches consider criminal situations and understand that crime occurrences are essentially 'opportunities' that arise when an already motivated or criminally disposed offender, having rationally weighed up in terms of effort, risk, and reward decides to commit an offence. All else being equal, a crime is more likely to be committed when it requires little effort, when the would-be offender judges that there is a low risk of that crime being detected and punished, and when they anticipate they will meet their intended outcome. Core to the crime is a suitable target being available, there is the lack of a suitable guardian to prevent the crime from happening, and a motivated offender is present.

2.34 Licensing is a form of safeguarding and risk management. By virtue of the role and function of what opportunities and privileges a taxi or private hire drivers' licence affords, there can be a great deal of opportunity to access people who are situationally vulnerable, particularly those in the night-time economy. John Worboys (also known as John Radford) the British convicted serial sex offender, known as the Black Cab rapist, was convicted in 2009 for attacks on 12 women committed between 2007 and 2008. In 2019, he was convicted for attacks on four more women, the earliest of which took place in 2000. Police say he may have had more than 100 victims while operating in London and Dorset.

2.35 The taxi trade and licensing has also featured as part of the backdrop of discussions of Child Sexual Exploitation in a number of English towns. These crimes have frequently been discussed as the product of 'grooming gangs'. While this term has been controversial, the night-time economy (NTE) and particularly take aways, taxi and private hire companies and children's homes all also featured as part of the situational and social context of offending across a number of English towns such as Telford, Rotherham, Bradford, Luton, and Rochdale. Specifically vulnerable, young white females were predominately the victims of Bangladeshi and Pakistani male perpetrators', some of whom were employed as taxi drivers.

2.36 While the term 'grooming gangs' has become a contentious one bringing often unhelpful claims and counterclaims, the reality is that much Child Exploitation (CE), including Child Sexual Exploitation and Child Criminal Exploitation happens when vulnerable young people (under the age of 18) are encouraged, forced or manipulated into criminal or sexual acts. While not all victims of CE and CSE are vulnerable by virtue of factors other than age, many victims have a range of heightened vulnerabilities. These can include problems at home, statutory care experiences, trauma, emotional and physical neglect, experiences with a family member with mental health or substance use disorders, experiences of domestic

violence and abuse, poverty, experiences or racism and discrimination and experiences of violence in the community. Those in the taxi and private hire trades can also gain useful local knowledge and insight around concerns about exploitation and can be extremely useful in crime prevention and encouraging and promoting community safety.

2.37 Individuals applying for or renewing taxi and private hire driver's licences are subject to an enhanced DBS with barred lists check. There are debates as to whether taxi and private hire driving should become a regulated activity within the provisions of the Safeguarding Vulnerable Groups Act 2006.

2.38 When making decisions around individuals being 'fit and proper' it is important that too much weight is not placed on individual testimony or evidence that cannot be substantiated. Rather, a focus should be on:

- What further offence(s) might the individual commit or exhibit?
- Would they cause serious harm?
- Who might the victim(s) be? Can they be accessed via occupational role?
- What features might contribute to serious harm (the risk factors)?
- What might protect against serious harm (the protective factors) and are they able to be guaranteed?
- How probable is a high-risk scenario (likelihood)?
- How quickly could a further serious harm take place (imminence)?

2.39 Focusing on questions of access and opportunity and seeing licensing as a mechanism of safeguarding is vital when deciding if someone should be -licensed. While refusal of a licence is a restriction for the individual, it is also a method of situational safeguarding that can serve to prevent future victims.

Chapter 3: 'Taxi' and Private Hire Licensing Overview

3.1 Taxis and private hire vehicles are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi or private hire driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.

3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for taxi and private hire licensing.

3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi and private hire licensing is detailed in the DfT *"Taxi and Private Hire Licensing best practice guidance for licensing authorities in England"* para 3. which states:

> "The primary and overriding objective of licensing [the taxi and PHV trades] must be to protect the public."

Supported by para 3.2 of the DfT Statutory Taxi and Private Hire Vehicle Standards which states:

> "When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public."

And acknowledged in part 1 of the Welsh Government Guidance document "Taxi and Private Hire Vehicles: Licensing Guidance" which states:

> "The licensing regime needs to be updated to remedy the current problems; ensure that the taxi and PHV licensing system is fit for modern Wales; and promote public safety."

3.4 Within the two licensing regimes, there are 5 types of licence: taxi vehicle; private hire vehicle; taxi driver; private hire driver and private hire operator.

3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.

3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.

3.8 In each case, it is for the applicant or licensee to satisfy the licensing authority that they are “fit and proper”, not for the authority to prove that they are not.

3.9 The authority has powers to grant or refuse a licence, renew or refuse to renew it on application and, during the currency of the licence, suspend or revoke it.

3.10 What is the role of these powers, and how do authorities determine an application, or take action against a licence? Each Licensing Authority should adopt a cohesive Taxi Licensing Policy. If a matter or situation is not addressed or covered by the Policy, that does not mean that matter cannot be taken into account by the Authority: in such circumstances the Authority will have to consider the issue from first principles, as if it had not adopted any policy on this topic.

3.11 Whenever a decision is made by a licensing authority (whether that is by Councillors or Officers), full and detailed reasons for that decision must be given. This requirement is not just for refusals. It is important that all decisions are recorded correctly, and reasons given. This will include grants (on first application and renewals), addition of conditions, suspension, revocations and refusals.

Taxi & Private Hire Drivers

3.12 There are two different occupations: taxi drivers and private hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted. Some authorities grant separate taxi or private hire licences whilst others grant “dual” or “combined” licences to cover both occupations. Some authorities also issue “restricted” licences to drivers who only wish to perform home to school transport (H2S) work. Irrespective of the type or purpose of the licence, the decision making criteria remain the same.

3.13 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, comply with tax conditionality requirements and be a “fit and proper” person.

3.14 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.

3.15 An applicant must have the right to remain, and work in the UK. Again, this is ultimately a question of fact, and the local authority should follow the guidance issued by the Home Office.

3.16 The tax conditionality rules require any driver applying to renew their licence to demonstrate they are registered for tax with HMRC; new applicants must acknowledge that they will be required to register with HMRC.

3.17 Those requirements are all questions of fact. It is the whole issue of "fit and proper" that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain.* Silber J said:

> "'... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers."

3.18 This is reflected in a test suggested by the DfT Statutory guidance (although it is not a statutory test):

> Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?'

3.19 It is suggested that the expression "safe and suitable" person to hold a driver's licence is a good interpretation which neither adds nor removes anything from the original term of "fit and proper" but brings the concept up to date.

3.20 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.21 The local authority has the power to require an applicant to provide:

> "such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence."

This "information" can include any pre-conditions or tests that they consider necessary

3.22 Some of these are mandatory, such as Proof of right to work, Tax conditionality on renewal, NR3S search (conducted by the licensing authority, but this is only advisory in Wales). Others are universally required such as medical assessments. Some authorities may require further information such as:

- Enhanced DBS Certificates (recommended although widely regarded as mandatory),
- sign-up to the DBS update service;
- Knowledge tests;
- Driving tests;
- Disability awareness/training;
- Periodic signed declarations;
- Spoken and written English tests;
- CSAE (child sexual abuse and exploitation) awareness/training;
- County lines awareness/training.
- Relevant taxi qualifications

3.23 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.24 In making the decision, as to whether an applicant is, or remains a fit and proper person, the licensing authority can take into account any information which is relevant to determining that question. This can include information obtained by the LADO (the Local Authority Designated Officer). The LADO is a statutory appointment under the Children Act 1989 whose role is to oversee and manage investigations following allegations being made against individuals who work or come into contact with children regularly. Their role is described in detail in Working Together to Safeguard Children 2023. The basis of the lawfulness of the sharing of LADO information is that it is being used by the Licensing Authority for the same purpose as it was obtained by the LADO, namely safeguarding.

3.25 Both taxi and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.

3.26 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Adult and Children Barred Lists checks and to provide this to the Licensing Authority. This must be for “other workforce“+ ”taxi”. Where a driver undertakes home to school contract work for an Education Authority (EA), they must obtain a different, separate Enhanced DBS Certificate to provide to the Education Authority, because that activity is” regulated activity” within the meaning of the Safeguarding Vulnerable Groups Act 2006, whereas general or day to day “private hire and taxi driving is not. The EA Enhanced DBSs is for” Child Workforce“. A Licensing

Authority cannot accept a Child Workforce DBS, and an Education Authority cannot accept an Other Workforce + Taxi DBS. Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence. Some licensing authorities issue" restricted" licences solely for home to school transport use.

3.27 If any new applicant has spent 6 months or more (whether continuously or in total), while aged 18 or over residing outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required. Where an applicant is unable to provide a satisfactory criminal record check, a licence will not be granted because the licensing authority cannot be satisfied as to their fitness and propriety.

3.28 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability. This may be 'never' due to the type of offence/behaviour and the risk of re-offending capability as a taxi driver.

3.29 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a fit and proper person to hold such a licence.

3.30 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.

3.31 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and their family is not a consideration that can be taken into account. This then leads to the question of whether the stance taken by some local authorities is robust enough to achieve that overriding aim of public protection.

3.32 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that those making these decisions, whether they are Councillors or Officers, recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. The policy should only be departed from in exceptional circumstances and for justifiable reasons which should be carefully and comprehensively recorded. Licensing Authorities should monitor their decisions on an annual basis and examine how often they depart from the policy.

3.33 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour. Predators want taxi drivers' licences as it gives them easy access to victims. It should be noted that a licensing authority cannot prevent a person who has been refused a licence (or had it revoked) from re-applying to that, or any other, authority.

3.34 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. There should be a high standard of acceptability to enter the taxi industry. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. It also undermines the position and reputation of the vast majority of professional licensed drivers. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.

3.35 Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

3.36 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.

3.37 As a society, we need to ask the question “who is driving my taxi or private hire vehicle?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law-abiding people who work very hard to provide a good service to their customers and the community at large.

However poor decisions by local authorities and courts serve to undermine the travelling public's confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi and private hire drivers. This is detrimental to all involved.

3.38 In England, when any action is taken in relation to a drivers' licence: refusal to grant or renew, revocation or suspension, the authority must apply the legal test to determine if this action must be entered by that authority on the NR3S database in accordance with the Taxi and Private Hire Licensing (Safeguarding and Road Safety) Act 2022. It is recommended in DfT Guidance that this action is also undertaken in Wales. When considering any new application, the name or names of the applicant must be checked against the NR3S database. There is no mechanism for a driver to surrender or hand in their licence, or to withdraw an application to avoid suspension, revocation or refusal, and thus avoid such an entry being made. In such circumstances, licensing authorities must make decisions to revoke, suspend or not renew. This will ensure the NR3S Database is accurate. A failed applicant for a licence cannot avoid the recording of a refusal.

Private Hire Operators

3.39 A private hire operator ("PHO") is the person who takes a booking for a private hire vehicle ("PHV"), and then dispatches a PHV driven by a licensed private hire driver ("PHD") to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same authority. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK, on renewal meets the HMRC Tax Conditionality requirements, and is a fit and proper person.

3.40 As with taxi drivers the role of the PHO and their staff goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. e.g. periods away from home, destinations, regular journeys. It is therefore vital that a PHO and their staff are as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Taxis can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a taxi driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.

3.41 How then does a local authority satisfy itself as to the "fitness and propriety" or "safety and suitability" of the applicant or licensee?

3.42 The decision is made by the licensing authority. Each authority can decide by whom those decisions are made under their Scheme or Schedule of Delegations

(contained in the Council's Constitution). Decisions can be made by Councillors sitting on a Committee or delegated to Sub-committee, or officers.

3.43 Spent convictions, but not protected convictions, can be taken into account when determining suitability for a licence, and these must be declared on the application form. In addition, the applicant (or licensee on renewal) should be asked to obtain and then provide a Basic Disclosure from the Disclosure and Barring Service.

3.44 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.

3.45 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and in the absence of a DfT test, this is suggested:

> "Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information would not be used or passed on for criminal or unacceptable purposes?"

3.46 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. A condition should be imposed on a PHO licence requiring them to have a policy to undertake checks on those they engage (whether as employees, workers or independent contractors) within their business to satisfy themselves that they are fit and proper people to undertake that task using the same criteria as the licensing authority used in relation to the PHO. The PHO must then retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

3.47 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation. Only by so doing can a decision be made as to the fitness and propriety of the operating entity. In these circumstances, a condition should be imposed on the PHO licence requiring notification to the licensing authority of any changes in membership any partnership or directors or secretary of a limited company. Such notification must be made within 7 days of the alteration and be accompanied by a Basic DBS for every new person.

Vehicle Proprietors

3.48 Similar considerations apply to the vehicle proprietors, both taxi and private hire. Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver's licence), they clearly have an interest in the use of the vehicle. That is to say all of those named on the licence as proprietor or part proprietor. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety. Where any insurance replacement vehicle is involved, special considerations may apply.

3.49 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or who may be at risk of being, or are being, abused, exploited or enslaved.

3.50 In relation to both taxis and private hire vehicles, the local authority has an absolute discretion over granting the licence and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself.

3.51 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions (but not protected convictions or protected cautions) on initial application and every subsequent renewal. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs. This will not be required for proprietors who are already licensed as drivers and are registered with the DBS update service.

3.52 in the absence of a DfT test, this is suggested as a suitable test:

> "Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?"

Chapter 4: Guidance on Determination

4.1 This Guidance is not binding on licensing authorities. They are all independent bodies, and it is for them to determine their own standards. This Guidance is intended to encourage greater consistency in decision making where it concerns the suitability of applicants for taxi and private hire licences.

4.2 This Guidance is also intended to enable licensing authorities, as the regulators of taxi and private hire drivers, vehicles and operators, to set standards that protect the public, and uphold the reputation of the trade and those licensed to work in it. As with any regulated activity, absolute certainty of safety cannot be achieved, and there will always be a tension between those regulated, and the regulators. The aim of this Guidance is to enable regulators to protect the public, whilst not preventing the vast majority of decent, law-abiding applicants and licensees to obtain and retain those licences. The 'public' is not restricted to passengers. It encompasses everyone: passengers, other road users and, of course, drivers.

4.3 As is clear from the Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk may reduce over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

4.4 Many members of our society use, and even rely on, taxis and private hire vehicles to provide transportation services. This is especially true of disabled and vulnerable people. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.

4.5 Ideally, all those involved in the taxi and private hire trades (taxi and private hire drivers, taxi and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

4.6 It is essential those making decisions (whether Councillors or officers) undertake regular (annual) training in the legislation relative to licensing and the purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

Pre-application requirements

4.7 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

Vehicles:

- Basic DBS checks and overseas checks for the vehicle proprietor;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space, comfort and any similar considerations
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.
- Electric Vehicles may have additional considerations

Drivers:

- Enhanced DBS checks (Other Workforce + Taxi) with update service and overseas checks;
- Checks made to the National Anti-Fraud Network NR3S database on refusals, revocations, and suspensions of taxi and private hire licences;
- Medical checks (Group 2 Standard as a minimum);
- Knowledge of the geographic area (for taxi and dual licences);
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation, county lines and safeguarding training;
- Right to work checks;
- Tax conditionality checks.

It should be noted that records only remain on the NR3S database for a period of 11 years after which they must be removed under S 4(3)(b) of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. This means that there will no longer be any record of whatever caused the entry to be made. This is unsatisfactory because any subsequent search after 11 years have elapsed from the date of entry will not reveal anything and is therefore worthless. It is believed that the period is set at 11 years to prevent a conviction that has become protected being revealed. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 (SI 2013/1198) contains a long list of offences that will never become protected so it is some comfort that they will be disclosed on an Enhanced DBS in the normal way.

Operators:

- Basic DBS checks and overseas checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area;
- CSAE and County Lines Training for operator and staff
- Right to work checks;
- Tax conditionality checks.

4.8 The licensing authority sets its own application requirements which will be detailed in its licensing policy.

4.9 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.

4.10 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

4.11 Where a licence has been refused or revoked by the Council (or another Local Authority), a further application will be refused if received within five years from the date of the refusal/revocation or the conclusion of any appeal process following refusal/revocation, as it will be deemed that the person's circumstances will not have changed significantly within that period to make them "fit and proper"

4.12 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a taxi or private hire proprietor's licence.

4.13 "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership) is "safe and suitable" to hold the licence.

4.14 In determining safety and suitability, the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the taxi or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament. The categories of behaviours described below are introduced as "offences" which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

4.15 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

4.16 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, police decide on no further action (NFA), bailed, released under investigation or where an investigation is continuing) can and will be taken into account by the licensing authority. In addition, complaints and or investigations where there was no police involvement will also be considered. Within this document, any reference to “conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

4.17 In the case of any new applicant who is under investigation or has been charged with any offence and is awaiting trial, the determination may be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

4.18 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

4.19 Any offences committed, or unacceptable behaviour reported whilst driving a taxi or private hire vehicle, concerning the use of a taxi or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the taxi and private hire trades will not be seen as mitigating factors.

4.20 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

4.21 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

4.22 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further

offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

4.23 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (drivers, vehicles and operators) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

4.24 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

4.25 Although the direct impact on the public varies depending upon the type of licence applied for or held, to maintain public confidence in the integrity of the taxi and private hire licensing regimes, it is suggested that the same standards are applied to all licences, except motoring convictions in relation to a private hire operator.

4.26 This Guidance suggests minimum periods of time that should elapse between the date of conviction or completion of the sentence (whichever is later) and the grant of a licence. Those periods are for single convictions. Where a person has more than one conviction, and can be seen as a persistent offender, this will raise serious questions about their safety and suitability. Convictions do become less important over time (hence the time periods) but multiple convictions or continued offending over any period of time will always be of significant concern to a licensing authority. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

4.27 Where an applicant/licensee is convicted of an offence, or has evidence of unsuitable behaviour, which is not detailed in this guidance, the licensing authority will take that conviction and/or behaviour into account and use these guidelines as an indication of the approach that should be taken.

4.28 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual. It must be remembered that these are guidelines. It is for each authority to determine and adopt its own previous convictions policy, and then determine applications in the light of that policy.

4.29 It must always be borne in mind that these are Guidelines, not fixed periods, and if there are "truly exceptional circumstances" the time periods can be reduced in

individual cases. Such instances should only be for "truly exceptional circumstances" and not frequent occurrences. The decision makers must consider each case on its own merits, taking into account all factors, including the need to protect the public, the circumstances and effect of the offence, and any mitigation that has been offered. However, the conviction itself cannot be reconsidered.

Drivers

4.30 As the criteria for determining whether an individual should be granted or retain a taxi driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

4.31 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

4.32 As stated above, where an applicant persistently offends, which shows a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

4.33 In relation to single convictions, the time periods detailed in the following paragraphs should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted. For motoring offences see the paragraphs headed 'Motoring Offences' below.

4.34 As stated above, the categories of behaviours described below are introduced as "offences" which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

Barred lists

4.35 A licence will not be granted to a person who is on any barred list.

Offences resulting in death

4.36 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.

Offences involving exploitation and criminal harassment

4.37 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, stalking without violence, but this is not an exhaustive list.

Offences involving violence against persons, property, animals or the State

4.38 Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of "violence" is wide, but any such behaviour will be of concern. This Guidance does not differentiate between different levels of violence. It will be for the licensing authority to determine whether there is any justification for departing from this time period, dependant of the facts of a particular case.

4.39 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving public order

4.40 Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years.

Offences involving possession of a weapon

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

Offences involving sex, indecency or obscene materials

4.42 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment.

4.43 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

Offences involving dishonesty

4.44 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving alcohol abuse, misuse or dependency

4.45 Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is

considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving drugs abuse, misuse or dependency

4.46 Where an applicant has any conviction for, or related to, the production, import, trade in or 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.

4.47 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 will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

4.48 If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving discrimination

4.49 Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.

Offences involving regulatory non-compliance

4.50 Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

Motoring Offences

4.51 Taxi and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.

4.52 Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

4.53 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 5 years have elapsed since the conviction or completion of any disqualification imposed, whichever is the later.

4.54 Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in "Penalty points (endorsements)". They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 or 11 years from the date of the conviction. or the date of the offence depending on the type of offence (see "Penalty points (endorsements)".

4.55 By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder. Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.

4.56 Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

4.57 Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.

4.58 Any driver who has been disqualified as a result of "totting-up", which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated,

the reasons ascertained, and a decision will be based on the results of that investigation.

4.59 Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their licensing authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

Behaviours

4.60 Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.

4.61 Behaviours such as

- Asking a passenger for their contact or social media details
- Asking personal or intimate questions
- Inappropriate physical contact with passengers or invade their personal space
- Inappropriate conversations, questions or behaviour

This is more important if the passenger is a lone vulnerable individual.

4.62 Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour maybe perceived by a vulnerable passenger.

4.63 If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed.

4.64 Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

4.65 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

4.66 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

4.67 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.

4.68 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, except motoring offences to recognise the operator is not connected with the use of a vehicle, which are outlined above.

Vehicle proprietors

4.69 Vehicle proprietors (both taxi and private hire) have two principal responsibilities.

4.70 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

4.71 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.72 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

4.73 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Appendix K – Driver Badge Application Checklist

Driver Badge Application Checklist

Hackney Carriage and Private Hire Driver Theory Test Guidance

1.1 This Guide has been compiled to assist you in preparing for the Taxi Theory Test. Take some time to digest the contents and learn the relevant legislation, conditions and locations so that you have the best possible chance of being successful.

1.2 The test comprises eighty questions in five sections and you will be required to correctly answer at least 12 questions from each section to pass the test. Most of the questions are multiple choice and a total of four possible answers are provided, one correct answer is required per question

1.3 When submitting your application, please ensure the following documentation is completed and uploaded. You must make your application online at: https://www.barnsley.gov.uk/services/licensing/taxi-licences/apply-for-a-new-taxi-drivers-licence/

Application form

1.4 Including character references, disclosure of convictions and medical if required (medical exempt if you possess an HGV or PSV driving licence).

Application should be made online via: https://www.barnsley.gov.uk/services/licensing/taxi-licences/apply-for-a-new-taxi-drivers-licence/.

Theory Test

1.5 Applicants should book and pay for the test online;

1.6 Applicants must bring a form of photo ID, such as a driving licence or passport when they sit the exam. Failure to produce acceptable ID will result in the individual being refused entry into the exam without refund;

1.7 All cancellations are non-refundable and anyone failing a theory test must pay a further fee to re-sit the test.

Driving Test

1.8 Driving tests and conducted through the Blue Lamp Trust and Taxi Driving Solutions.

Blue Lamp Trust – to book a test through the Blue Lamp Trust you can telephone 0333 700 0157 Monday to Friday 9.30 – 15.00 or by visiting their website;

Taxi Driving Solutions – to book a test through Taxi Driving Solutions you can telephone 01423 298398 or by visiting their website;

Taxi Driving Solutions can also offer the enhanced taxi assessment which includes a wheelchair exercise.

1.9 A certificate of completion must be produced as part of your application.

DBS (Disclosure and Barring Scheme) Check

1.10 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.

1.11 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults.

1.12 Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the DBS at https://www.gov.uk/government/collections/dbs-filtering-guidance

1.13 As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer, acting in accordance with specific

Home Office guidance, reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the statutory guidance issued by the Home Office when considering disclosure.

DBS Checks

1.14 IT IS STRONGLY RECOMMENDED THAT YOU CHECK THE COUNCIL'S GUIDELINE POLICY ON CRIMINAL CONVICTIONS PRIOR TO MAKING AN APPLICATION FOR A LICENCE. WHILE EACH APPLICATION IS DEALT WITH ON ITS OWN MERITS, IT IS UNLIKELY THAT YOU WILL BE ABLE TO OBTAIN A LICENCE IF YOU FAIL TO MEET THIS GUIDELINE POLICY, UNLESS THERE ARE EXCEPTIONAL MITIGATING CIRCUMSTANCES.

1.15 All prospective applicants will be expected to complete an enhanced DBS check prior to obtaining their licence. Under NO circumstances can the Council issue a licence until the appropriate DBS check has been satisfactorily completed.

1.16 To ensure that information contained within a DBS Certificate is up to date this document will only be valid for a maximum of three calendar months from the date of issue.

1.17 All drivers will also be required to evidence that they have signed up to the on-line DBS checking system and that they have given the Licensing Section the required permissions to complete a further enhanced DBS check every six months while they hold a current dual driver's license with Barnsley MBC.

1.18 Typically, a DBS check can take up to 4 weeks but can take substantially longer, to be returned, from the Disclosure & Barring Service. The Council has no control over this process and so advises that you may wish to apply for your DBS check relatively early in the application process.

1.19 Due to the way that information can be provided by the Disclosure & Barring Service only checks completed by DBS providers approved by the Licensing Section will be accepted.

1.20 Approved suppliers and their relevant details will be published on the Barnsley Council website, specifically on the webpages for new drivers, driver renewals and updating taxi licence details. Applicants and licensees can contact the Licensing Section and they will be provided with the details of the approved suppliers.

1.21 Applicants should ensure that they provide all information and supporting documentation as requested by the approved supplier/s, otherwise their DBS application may be delayed.

1.22 Information on what documentation is required will be provided by the approved supplier. In the absence of either a valid passport or Driving Licence, applicants will be informed of alternative acceptable documents.

1.23 For foreign Nationals or for UK citizens who have worked or lived at some point overseas, the following will apply:

- If you have lived outside the UK for a period of 5 years or more, you must provide confirmation of such previous residential addresses, together with a list of previous UK residential addresses within the last five years;
- In all cases the applicant should request a Certificate of Good Repute/Letter of Good Conduct from the embassy of those country/countries. If this is not in English, a translation will be required (the translator must be approved by the licensing section prior to the translation taking place).

1.24 Any cost incurred in obtaining relevant certification under this section will be at the applicants' expense.

The Disclosure and Barring Service Update Service

1.25 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.

1.26 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.

1.27 The Council will be able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the DBS.

1.28 Applying for a DBS certificate will incur a one-off fee payable to the approved supplier, whilst signing up to the DBS Update Service will require an annual subscription fee payable to the Disclosure and Barring Service. This saves the inconvenience and costs of applying for a new DBS certificate and allows the Council to conduct regular checks.

1.29 If any licensed driver chooses not to sign up to the online system then in line with the Statutory Standards we will still DBS check drivers every 6 months and so a driver will still be required to apply for and provide a fully enhanced disclosure certificate to the Licensing Section every 6 months.

Medical Questionnaire

1.30 You will also be required to complete a medical questionnaire (unless you hold a current HGV or PSV driver licence). This will be required to be certified and stamped by a Doctor to prove that you are medically fit to drive a licensed vehicle.

1.31 You will be required to complete further Medical forms at specific time periods if you continue to hold a licence e.g. at 45 years of age and then every 5 years until 60 and then on an annual basis.

1.32 Your completed application should be submitted within 3 months of the date your medical form was signed by the doctor.

Character References

1.33 Your completed application should be submitted within 3 months of the earliest date your character reference form was signed by a referee.

Licence Fees

1.34 All licences issued are dual licences (combined Hackney Carriage / Private Hire) and run for 1 or 3 years depending on the duration of licence applied for and fee paid.

Licence fees are listed on the Barnsley Council website, specifically on the webpages for new drivers and driver renewals, and are also available on request by contacting the Licensing Section via licensing@barnsley.gov.uk.

Please be aware that fees are subject to change.

Age

1.35 Before you apply for a licence you must:

- Be over 21 years of age – hackney carriage;
- Be over 19 years of age – private hire, subject to production of insurance cover if under 21 years;
- Have held a full UK domestic driving licence for at least 12 months. (Driving a car under the authority of a provisional licence or certificate of passing test does not count as part of the 12-month period.)

1.36 Since 8th June 2015, paper counterparts for NEW licences are no longer issued and have no legal status.

1.37 The following link may be of use to Drivers:

https://www.gov.uk/view-driving-licence

Knowledge Test

1.38 The next step is to take a written "knowledge of the Metropolitan Borough" test. Appointments for taking the test can be made online via: https://www.barnsley.gov.uk/services/licensing/taxi-licences/apply-for-a-new-taxi-drivers-licence/

1.39 First attempt at the theory test is £65, subsequent tests will be charged at £60.

1.40 The test is multiple choice and will last a maximum of one hour and will include five sections. Each section consists of 16 questions.

- Highway code
- Local knowledge
- Licence / local conditions
- Disability / customer care
- Numeracy and literacy

1.41 More information is provided in a separate theory test guidance document which is available within the licensing online at www.barnsley.gov.uk.

1.42 To pass the test you must get at least 12 questions correct from each section. Any person failing the test will be required to retake the FULL TEST and the appropriate fee will be charged.

1.43 Where an applicant fails three theory tests, it will be unlikely that the person will have the appropriate skills and attributes to be a licensed driver with this Authority, therefore, the person will be barred from undertaking any further theory tests for a period of **six months** from the date of the last failure, to allow the person to develop the necessary skills.

Declarations of Convictions

1.44 All prospective drivers, and every driver when they renew their licence, will be required to complete a declaration of convictions form.

1.45 On this form you will be required to declare any convictions, formal cautions or fixed penalty notices (e.g. motoring offences) that you have ever received. Failure to declare any convictions, cautions or fixed penalty notices or giving a false declaration will constitute reasonable cause for the Council to refuse to grant or revoke the licence.

Other information

1.46 Please note that any fee paid in respect of a licence is an ‘application fee’ and is not refundable and therefore you should ensure that you meet all the requirements to become a driver and submit all the relevant documents at the time of the application. Failure to do so may result in your application being refused.

All fees listed in this document are subject to change.

Appendix L – Legal Services Enforcement Policy

BARNSLEY
Metropolitan Borough Council

LEGAL SERVICES ENFORCEMENT POLICY

Signed:

Name: Sukdave S. Ghuman – Service Director, Law & Governance
Date: 26th January 2023

1. Enforcement Policy Statement

The purpose of this Policy is to set out the general principles of enforcement to be followed by officers in Legal Services, in order to ensure that enforcement decisions are consistent, appropriate, balanced, fair, targeted, accountable, transparent and proportionate.

2. Introduction

Legal Services is a public authority for the purposes of the Human Rights Act 1988. Officers in Legal Services will apply the principles of the European Convention on Human Rights in accordance with the Act. The Service will follow the provisions of the Regulators' Code in its regulatory activities, taking a supportive, risk-based approach to businesses. It will provide clear information and guidance on compliance and will act with fairness and transparency. Formal enforcement action will normally be a last resort, but where it is deemed appropriate, this Policy will be applied.

This policy sets out the general regulatory options available to Legal Services Officers to ensure compliance with relevant legislation. Officers will be suitably trained, qualified and experienced, as set out in their job profiles, and they will be familiar with, and follow, the provisions of this Policy.

Each case is unique and must be judged on its own merits. However, there are general principles that apply in the way each situation must be approached. This document sets out the factors to be taken into account when considering appropriate

enforcement action to be taken. Officers will follow this Policy, except in exceptional circumstances.

Where the Service becomes aware of a situation for which it is not the enforcing authority, it will contact the relevant enforcement agency. Where there is a shared role with another enforcement agency, officers shall liaise accordingly with that agency.

Legal Services enforce a wide variety of legislation and use powers that enable officers to issue verbal advice, send letters, serve formal notices, issue simple cautions, and prosecute in the courts. This list is not exhaustive and other enforcement options are available, as detailed later in this document. The officer will choose the most appropriate method of achieving compliance from the range of actions available.

The aims of the Service in taking action are:

- To protect the public and business from offenders;
- To change the behaviour of the offender;
- To eliminate any financial gain or benefit from non-compliance;
- To restore the harm caused by regulatory non-compliance in appropriate cases;

3. Enforcement Options

There are a number of options available when legal contraventions are found:

a) No Action

In exceptional circumstances contraventions may not warrant any action. This could be where the cost of compliance to the offender outweighs the detrimental impact of the contravention on the community, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where formal action is inappropriate, e.g., the offender is elderly and frail. A decision to take no action must be recorded in writing and must take account of health, safety, environmental and nuisance implications of the contravention. A decision to take no action does not preclude further investigation or review of the case at a later date, or when there is material change in the circumstances.

b) Informal Action

Informal action to secure compliance with the legislation includes offering advice, issuing warnings and requests for action. It may be appropriate to use informal action in the following circumstances:

- The act or omission is not serious enough to warrant formal action;

- From the individual's/organisations past history it can be reasonably expected that informal action will achieve compliance;
- Where the original approach is from person(s) seeking advice or assistance – although if serious breaches are found, formal action may be appropriate;

When an informal approach is used to secure compliance, this may be verbal or written. Any written documentation sent to individuals or businesses must include:

- All the information necessary to understand what action is required and why;
- The legislation being contravened and measures which will achieve compliance;
- Clear distinction between legal requirements and recommendations;

c) Statutory notices, Seizing Equipment, Closing Premises

Notice can be served to require persons to cease contravening activities, give offenders reasonable time to rectify a contravention or require people to provide information. Notices may require contravening activities to cease immediately where circumstances relating to health, safety, environmental damage, or nuisance demands. In other circumstances, the time allowed must be reasonable, but must also take account of the implications of the contravention.

Specific guidance is available on circumstances under which notices shall be served, equipment seized or premises closed, and this varies according to the legislation and type of notice.

The use of statutory notices may take place in conjunction with other enforcement options set out in this policy.

d) Refusal/Revocation of Licence/Approval/Permit

Licences, Approvals and Permits are issued under specific legislation and the circumstances that allow refusal or revocation of a licence etc. shall be taken into account in accordance with the specific legislation and relevant Codes of Practice. In order to justify such an action, the applicant/licence/approval/permit holder must meet one or more of the following criteria:

- Engage in fraudulent activity;
- Deliberately or persistently breach legal obligations;
- Deliberately or persistently ignore warnings or formal notices;
- Endanger, to a serious degree, the health, safety or wellbeing of people, animals or the environment;
- Fail to pay renewal fees.

In relation to licensing matters, cases may also be referred to the General Licensing Sub-Committee.

e) Works in Default

Where provided for under the legislation, work may be carried out in default. Such action will be dependent upon public risk and strategic considerations.

f) Injunctions

In exceptional cases, it may be considered that an injunction is the best course of action to remedy contraventions or dangerous circumstances. For example, where there is an immediate risk to public health, or where there is an extraordinary statutory nuisance.

g) Enterprise Act Actions

The Enterprise Act 2002 gives some officers in the Service the authority to seek civil remedies for certain breaches of legislation. Officers will consider these remedies, such as undertakings and injunctions, where they are the most appropriate course of action.

h) Fixed Penalty Notices

Fixed Penalty notices will be issued under certain legislation. If a fixed penalty is not paid within the prescribed period, legal proceedings shall be instituted.

i) Simple Cautions

In some cases, Simple Cautions may be used as an alternative to prosecution. In order to offer a Simple Caution, there must be enough evidence for the matter to proceed to Court by way of prosecution, and the offender must admit guilt.

j) Prosecution

Without prejudicing the right of the Council to prosecute for any offence within its jurisdiction, prosecution will be considered in the case of serious offences, matters of significant public concern, failure to comply with a statutory notice, and repeated infringements.

Particular circumstances in which prosecution will also be considered include:

- The contravention involved fraud;
- The contravention involved deliberate or persistent breach of legal responsibility;
- The contravention was through gross negligence or carelessness and caused, or was likely to cause, significant loss or prejudice to another individual;
- The contravention led to, or contributed to, the health safety or well-being of people, animals or the environment being seriously compromised, or contributed to damage to the reputation or economic well-being of the Borough;
- The contravention involved the obstruction of an authorised officer in carrying out his or her duties, or violence or aggressive behaviour towards them;
- The contravention was an absolute offence under the legislation;

- The matter relating to the offence is widespread throughout the borough.

Cases will only be submitted for prosecution when it is considered that the sufficiency of evidence and the public interest requirement fall within the guidelines as laid down by the Attorney General and Crown Prosecution Service Code of Crown Prosecutors. Before deciding whether or not to prosecute, consideration will also be given to the following:

- The calibre and reliability of witnesses;
- The probable public benefit of a prosecution and the importance of the case – e.g., the possibility of establishing legal precedent;
- The contravention is trivial;
- Whether a Simple Caution would be more appropriate or effective;
- Cost effectiveness – a need to balance likely overall cost against the 'value' of the likely outcome;

4. References

The Code for Crown Prosecutors
http://www.cps.gov.uk/publications/code_for_crown_prosecutors/

Regulators Code https://www.gov.uk/government/publications/regulators-code

Simple Cautions https://www.gov.uk/government/publications/simple-cautions-guidance-for-police-andprosecutors

Appendix M – Licensed Driver Code of Good Conduct

LICENSED DRIVER CODE OF GOOD CONDUCT

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, Barnsley Metropolitan Borough Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements produced by the Council.

1. Responsibility to the Trade

Licence holders shall endeavor to promote the image of the Hackney Carriage and Private Hire trade by:

(a) Complying with this Code of Good Conduct;
(b) Complying with all the Conditions of their Licence, Hackney Carriage Byelaws and the Councils Hackney Carriage and Private Hire Licensing Policy;
(c) Behaving in a civil, orderly, non-discriminatory and responsible manner at all times.

2. Responsibility to Clients

Licence holders shall:

(a) Maintain their vehicles in a safe and satisfactory condition at all times;
(b) Keep their vehicles clean and suitable for hire to the public at all times;
(c) Attend punctually when undertaking pre-booked hiring;
(d) Assist, where necessary, passengers into and out of vehicles;
(e) Offer passengers reasonable assistance with luggage and other personal effects;
(f) When requested provide receipts to passengers.

3. Responsibility to Residents

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

(a) Not sound the vehicle's horn illegally;
(b) Keep the volume of radio/cassette player and VHF radios to a minimum;
(c) Switch off the engine if required to wait;

(d) Take whatever additional action is necessary to avoid disturbance to residents in the neighborhood.

3.2 At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:
(a) Rank in an orderly manner and proceed along the rank in order and promptly;
(b) Remain in the vehicle.

3.3 At private hire offices a licence holder shall:
(a) Not undertake servicing or repairs of vehicles;
(b) Not allow the use of radio/cassette players or VHF;
(c) Take whatever additional action is necessary to avoid disturbance to residents of the neighborhood which might arise from the conduct of their business.

4. General

Drivers shall:
(a) Pay attention to personal hygiene and dress so as to present a professional image to the public;
(b) Wear the badge provided by the Council on his person at all times when in charge of a licensed vehicle, such badge to be worn in a position and manner as to be plainly visible;
(c) Be polite, helpful and fair to passengers;
(d) Unless otherwise directed by the hirer the driver shall proceed to the destination by the shortest possible route;
(e) Not without the express consent of the hirer drink or eat in the vehicle;
(f) Not without the express consent of the hirer play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
(g) Drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
(h) Obey all Traffic Regulation Orders and directions at all time;
(i) Not to smoke in the vehicle or to allow fare paying passengers to smoke in the vehicle;
(j) Not to carry more passengers in a vehicle than it is licensed to carry;
(k) Not to consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
(l) Not drive while having misused legal or illegal drugs.

PLEASE NOTE:
The Council shall take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.

Appendix N

Staying Safe in Taxis

If you need to travel by taxi it is important that you keep yourself safe. Here is a safety checklist for you to use:

1. Make sure you only travel in a licensed cab. This should either be a "Hackney Carriage" (the London style cabs) or a private hire vehicle. A private hire vehicle can be either a family size car or a people carrier, but it must also have a **licence plate**.
2. An unlicensed cab will not have a licence plate, so **look for this before you get in the vehicle.** The licence plate will also have **Barnsley Council logo** on it.
3. You should **never flag a car down in the street**, you may be getting into an illegal, uninsured vehicle which could be potentially very dangerous. A hackney cab that is for hire will have an illuminated (usually orange) sign on the roof of the vehicle which indicates that it is for hire.
4. If you **pre-book your taxi** and ask for the call back facility, if it is available. When the taxi arrives, always make sure that the vehicle is from the taxi company that you called. It should have **the company's stickers on the doors**. Check the driver is wearing an **identification badge**, there may also be one on display at the front of the vehicle or on the partition between the driver and passengers.
5. When ringing for a taxi make sure **no-one can overhear you give personal details** such as your name and address, because anyone could turn up and pretend to be your driver.
6. Before you go out, make sure you have **put your taxi fare in a safe place** that is separate to the rest of your money. In doing this, you are less likely to spend it, making sure you can get home safely.
7. Make sure you have enough money to pay for your journey. **Ask the driver how much the fare will be before you start the journey** to avoid any difficulty or embarrassment. It is a criminal offence to hire a taxi without the means to pay the fare. The taxi driver is within his / her right to call the police if you are unable to pay the full fare.
8. **Let someone know you are in the vehicle and on your way**. Let them have the taxi licence number and if possible, make sure someone is waiting for you at your destination. The number of the licence will be on display in the vehicle, as well as on the plate on the rear of the vehicle.
9. If you are travelling alone you may **feel safer sitting in the back** of the vehicle on the opposite side of the driver, so that you can see him / her in their mirror.
10. If you chat to the driver, make sure you **don't give out any of your personal details**.
11. **Never share a taxi with a stranger**.
12. If you feel threatened or uncomfortable for any reason, **ask the driver to stop in a busy area, pay your fare and get out of the car**.
13. If you are unhappy with the taxi or private hire service, you can **make a complaint** to the licensed operator or to the Licensing Section at Barnsley Council. You can contact them at **licensing@barnsley.gov.uk**. It would be helpful if you have a note of the license plate or vehicle registration.

Notes

Amendments may have been made to relevant parts of this document and/or its appendices to correct any grammatical or spelling errors, provide clarity where required, meet government digital accessibility standards, or for other reasons to facilitate understanding.