

Guidance Notes

Applications for
Hackney Carriage
and Private Hire

Drivers Licences

***Please read the following guidance notes carefully before
completing the relevant application form***

1. General Information

These notes are intended to assist persons in making applications for either Hackney Carriage or Private Hire Vehicle Drivers Licences. The Council has agreed a Taxi Licensing Policy and these notes set out the main points contained within that policy. These notes are not intended to be an interpretation of the law relating to the issue of drivers licences and reference should be made to the applicable legislation as required.

2. Pre-Application Candidate Suitability Test

Before we are able to accept an application for either a Private Hire or Hackney Carriage Driver's Licence applicants will be required to undergo an essential skills suitability test.

Essential skills tests are carried out by appointment and you will need to bring the following documentation with you **before** we can carry out a suitability test:

1. An official document containing a photograph e.g. new style driving licence or passport. If you have neither of these, we will arrange to take a photograph prior to the suitability test being undertaken.
2. Details of your National Insurance number.
3. Details of your DVLA driving licence number.

The test comprises of the following four sections which all have to be passed with a minimum of an 80% pass mark:

Section	Subject	Number of questions
1	Money and Finance	5
2	Receipts and Paperwork	5
3	Routes and Directions	5
4	Using an A-Z road directory	5

The test covers the suitability of applicants in terms of literacy, numeracy and command of spoken English skills. The test also involves map reading skills but does not require a detailed knowledge of the area, this will be checked at a later stage in the Knowledge Test.

The test will be delivered via a multiple choice computer based programme by licensing staff at the Licensing Office at Warne Road, Weston-super-Mare. Candidates will be required to achieve a pass mark of at least 80% before an application for a driver's licence will be entertained. A maximum time of 30 minutes will be allowed to complete the test. If the test is not completed within the 30 minutes this will result in the failure of the test.

If a candidate is unsuccessful in passing the essential skills test we will give feedback along with information on courses available locally to assist in passing any future tests.

Please note we operate the following policy in relation to persons failing the suitability test:

1. Candidates failing a test can take further tests but this will be on a full re-test basis at the applicant's own expense.
2. Up to three tests may be taken with a minimum of one week between each test.
3. If a candidate fails three consecutive tests, then a minimum of one month should elapse before a further test is taken.

3. Application Documentation

Once the essential skills suitability test has been passed, applicants should present the following to the Licensing Office between the hours of 10:00am – 12:00pm or 2.00pm – 4.00pm, Monday – Friday.

1. Application Form
2. Criminal Records Bureau Disclosure application form and supporting information
3. Medical form (to be completed by the applicant's GP/GP within Group practice)
4. Completed DVLA Mandate (for all applications i.e. grants and renewals)
5. The licence fee (see **Appendix 1** for further details). Cheques should be made payable to North Somerset Council.

PLEASE NOTE THAT WHEN COMPLETING THE APPLICATION FORM IN RELATION TO CONVICTIONS OR CAUTIONS WHICH YOU MAY HAVE, ALL CONVICTIONS (CRIMINAL AND OTHER CONVICTIONS), BOTH SPENT AND UNSPENT, AND ALL POLICE CAUTIONS MUST BE DECLARED

Please see section 11 below regarding the application process.

In addition to this, the following documents should also accompany the application:

1. UK/EEA Driving Licence.
2. Passport or Birth Certificate.
3. Public Liability Insurance certificate £5million cover – Operators only).

Applicants are reminded that a person who knowingly or recklessly makes a false statement or omits any relevant information is guilty of an offence and could face a fine of up to £400.

Please Note:

- 1. Postal applications will not be accepted for first time grant applications**
- 2. Applicants should allow 6 - 8 weeks for the licensing process to be completed.**
- 3. Documents such as non-UK birth certificates will need to be translated into English at the applicant's own expense by a source approved by the Council.**

4. Driving Test (Driving Standards Agency)

All new applicants for driver's licences are required to undergo a driving test under the control of the Driving Standards Agency (DSA). Candidates are required to collect a DSA pack from the Licensing Section and apply direct to the DSA (**telephone number 0870 01 00 372**). This Test may also be booked through the internet at the following address: www.dsa.gov.uk

All queries relating to the driving test should be made direct to the DSA and not to North Somerset Council Licensing Team. The cost of the test is paid directly to the DSA, and does not form part of the application fee made payable to North Somerset Council. The current taxi test fees are contained within the driver information pack.

5. Age Restrictions

The **minimum** age for obtaining a Hackney Carriage or Private Hire Drivers Licence is 18 years of age. Applicants must have held a full UK or European Economic Area Driving Licence for a **minimum** period of one year before either a Hackney Carriage or Private Hire Drivers Licence can be issued. There are no upper age limits on drivers licences issued or renewed provided a satisfactory medical examination report can be produced.

6. Medical Examinations

North Somerset Council's Taxi Licensing Policy requires all applicants for the first time grant of a Driver's Licence should meet the Group 2 Entitlement standard.

The medical standards for the Group 2 Entitlement are set out in the current version of '**The Medical Practitioners' 'At a glance guide to the current Medical Standards Of fitness to drive' issued by 'Drivers Medical Group DVLA, Swansea'**'. A copy of this document is available from the DVLA website at www.dvla.co.uk.

Persons in possession of a current LGV/PCV Licence and who have undergone a Group 2 medical examination are not required to take a further medical examination provided a copy of the medical examination undertaken to obtain the LGV/PSV Licence can be produced.

A Group 2 medical examination will be required for all existing licensees at the following age intervals:

- 45/50/55/60/65 years of age
- 65 years and older – medical examinations on a yearly basis

The medical examination has to be carried out by your own doctor, or a doctor within your GP's practice at the present time.

7. Knowledge Tests

Both Hackney Carriage and Private Hire Driver applicants will be tested on their knowledge of the district and the surrounding areas, by-laws and legislation relating to the work of a licensed driver.

Knowledge tests are carried out by appointment at the Licensing Office at the Warne Road Depot, Warne Road, Weston-super-Mare. If an applicant is unsuccessful in passing the knowledge test, a fee will be required to be paid for further tests undertaken. The fees for knowledge tests are shown at **Appendix 1**.

7.1 Private Hire Knowledge Tests

The test will be delivered via a multiple choice computer based programme by licensing staff at the Licensing Office at Warne Road, Weston-super-Mare. Candidates will be required to achieve a pass mark of at least 80% from 30 questions. A maximum time of 40 minutes will be allowed to complete the test. If the test is not completed within the 40 minutes this will result in the failure of the test.

If a candidate is unsuccessful in passing the private hire knowledge test we will give verbal feedback but will not provide any documentation in relation to questions unsuccessfully answered.

Please note we operate the following policy in relation to persons failing the private hire knowledge test:

1. Candidates failing a test can take further tests but this will be on a full re-test basis at the applicant's own expense.
2. Up to three tests may be taken with a minimum of two weeks between each test.
3. If a candidate fails three consecutive tests, then a minimum of six months should elapse before a further test is taken.

The test comprises of the following six sections which all have to be passed with a minimum of an 80% pass mark:

Section	Subject	Number of questions
1	Road Signs	5
2	Licence conditions	5
3	Pubs, clubs, hotels	5
4	Places of interest	5
5	Roads	5
6	Out of North Somerset area locations	5

General Information

1. Road Signs

You will need to be familiar with the main types of roads signs within the Highway Code. These signs can be viewed on the internet at:

<http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/Signsandmarkings/index.htm>

2. Private Hire Driver's Licence Conditions/Code of Good Conduct

You will need to familiarise yourself with both the conditions attached to Private Hire Driver's Licences and the Council's licensed driver 's code of good conduct. The code of good conduct and licence conditions are included within this driver application pack at Appendixes 2 and 4.

3. Pubs, Clubs and Hotels within the district

You will need to familiarise yourself with the locations of public houses, night clubs and large hotels located in the Weston-super-Mare, Clevedon, Portishead and Nailsea areas of North Somerset.

4. Local places of interest within the district

You will need to familiarise yourself with the locations of the main places of interest within the Weston-super-Mare, Clevedon, Portishead and Nailsea areas of North Somerset. This will include such locations as hospitals, tourist attractions, public transport depots/stations and places of entertainment/leisure.

5. Roads within the district

You will need to have a working knowledge of the main roads in the Weston-super-Mare, Clevedon, Portishead and Nailsea areas of the North Somerset area.

6. Premises/locations in Bristol

You will need to familiarise yourself with the locations of the main places of interest within Bristol and surrounding areas to North Somerset. This will include such locations as hospitals, tourist attractions, public transport depots/stations and places of entertainment.

7.2 Hackney Knowledge Tests

The test will require a more in-depth level of knowledge as opposed to that required for the private hire knowledge test. In particular detailed knowledge will be required of the Hackney Carriage Byelaws along with a comprehensive working knowledge of the North Somerset area in terms of roads, hospitals, tourist attractions, public transport depots/stations and places of entertainment/leisure. A good working knowledge will also be required of out of district locations such as hospitals, tourist attractions, public transport depots/stations and places of entertainment. It therefore is strongly recommended that sufficient time is allowed to build up the required levels of knowledge required before taking this particular test.

The test will be delivered via a multiple choice computer based programme by licensing staff at the Licensing Office at Warne Road, Weston-super-Mare. Candidates will be required to achieve a pass mark of at least 80% from 100 questions. A maximum time of 60 minutes will be allowed to complete the test. If the test is not completed within the 60 minutes this will result in the failure of the test.

If a candidate is unsuccessful in passing the hackney carriage knowledge test we will give verbal feedback but will not provide any documentation in relation to questions unsuccessfully answered.

Please note we operate the following policy in relation to persons failing the hackney carriage knowledge test:

1. Candidates failing a test can take further tests but this will be on a full re-test basis at the applicant's own expense.
2. Up to three tests may be taken with a minimum of two weeks between each test.
3. If a candidate fails three consecutive tests, then a minimum of six months should elapse before a further test is taken.

The test comprises of the following seventeen sections which all have to be passed with a minimum of an 80% pass mark:

Section	Subject	Number of questions
1	Road Signs	10
2	Byelaws	5
3	Legislation	5
4	Weston super Mare – pubs, clubs, hotels	5
5	Weston super Mare - roads	5
6	Weston super Mare – places of interest	5
7	Portishead - pubs, clubs, hotels	5
8	Portishead - roads	5
9	Portishead - places of interest	5
10	Clevedon - pubs, clubs, hotels	5
11	Clevedon - roads	5
12	Clevedon - places of interest	5

13	Nailsea - pubs, clubs, hotels	5
14	Nailsea - roads	5
15	Nailsea - places of interest	5
16	Locations in rural areas of North Somerset	10
17	Out of North Somerset area locations	10

In relation to the above subjects, please see the general information notes to the private hire knowledge test for further details. In addition you will need to have knowledge on the Council's Hackney Carriage Byelaws which are shown at Appendix 3 of this information pack.

8. Criminal Record Checks

Prior to issuing a driver's licence we carry out a criminal record check to assess the suitability of an applicant. Applicants are judged against the Council's Criminal Conviction Policy, shown at **Appendix 5**, which incorporates Home Office guidelines. The policy covers motoring offences, drunkenness, misuse of drugs, indecency offences, violence and dishonesty. Each application will be considered on its merits and unspent offences and spent offences may be taken into consideration when assessing suitability.

The Licensing Team are registered with the Criminal Records Bureau (CRB) and can undertake criminal record disclosures on behalf of applicants and existing licensees who have to undergo CRB checks every three years.

Following advice from the CRB on the portability of criminal record disclosures we do not accept CRB Disclosures obtained prior to making an application with the Council. We require all applicants to provide a fresh CRB disclosure.

9. DVLA Driving Licence Checks

All applicants for the grant and renewal of driver's licences will be required to submit at the time of application a mandate authorising a check to be made on the applicant's DVLA driving licence. These checks are made to ascertain the presence of any motoring offences or driving bans recorded against the applicant's DVLA driving licence.

10. References

Applicants for the first time grant of driver's licences are required to provide two references, namely:

1. Employer's reference (current or previous employer)
2. Personal character reference from a person who has known you for at least two years.

The references have to be from different persons and need to support your application to become a licensed driver. A licence will not be issued unless suitable character references are provided. We will not accept references from spouses, partners or relatives.

11. Applications from non UK residents

We require a five year criminal record background check for all applicants. Applicants who have not lived in the UK for 5 years prior to an application being made will need to produce a certificate of good conduct authenticated and translated by the relevant embassy as

required. This will be in addition to a CRB Enhanced Disclosure as detailed in section 7 above.

The Driving Licences (Community Driving Licence) Regulations 1996 allow full driving licences issued by European Economic Area (EEA) States to count towards the qualification requirements for the grant of hackney carriage and private hire driver's licences. Persons holding a full EEA community driving licence are eligible to acquire a hackney carriage or private hire drivers licence provided they have held an ordinary driving licence for 12 months which has been issued by an EEA State.

The current EEA states are Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden and the United Kingdom.

The Council expects all non-EU residents to produce written evidence that they hold an entitlement to work in the United Kingdom. The Licensing Authority reserves the right to issue any licenses in the absence of suitable documentation verifying an entitlement to work in the UK.

12. The application process

On receipt of a satisfactory medical examination report, Criminal Records Bureau and DVLA Disclosures, references, driver suitability test, knowledge test and Driving Test, the Drivers Licence and Identification Badge will be issued.

Licensees will need to consider the order in which they complete the various application processes. Depending on individual circumstances, the recommended order for completing the process is to submit an application to the Council with a CRB Disclosure request/DVLA Mandate and then arrange for the medical examination, driving test assessment and knowledge test to be undertaken. The CRB Disclosure check takes approximately four weeks and therefore time can be saved by making the other arrangements at an early stage, rather than waiting for the return of the CRB Disclosure. If you need further advice on making the necessary arrangements, please contact the Licensing Team who will be pleased to advise you.

13. Approval Process

Licence applications are approved by either officers on a delegated basis, or by the Licensing Sub-Committee. Delegated decisions are made for applications where the applicant is considered to be a fit and proper person to hold a licence. In circumstances where such a decision cannot be made e.g. the existence of relevant criminal convictions or a failure to declare criminal convictions, then the application will be determined by the Council's Licensing Sub-Committee.

When an application is referred to the Licensing Sub-Committee the applicant will be informed of this decision and will be invited to attend the meeting where the application will be considered. When sensitive matters are to be considered e.g. criminal convictions the meeting will not normally be held in public and only officers and councillors will be present.

An officer report will be produced prior to the hearing setting out the details of the application made. This report will be made available to an applicant prior to the hearing taking place. At

the committee hearing an applicant can be represented by him or her self, by a solicitor or be accompanied by a friend. Witnesses can be used by the applicant provided that advance notice is given to the Council. Applicants at licensing hearings are given the opportunity to make a presentation to the Committee in support of their application and are able to ask questions of the officers and members present. The Committee will consider the evidence presented to them and will make a decision on the application made. The decision is normally announced on the day of the hearing, reasons for the decision made will be given and these will be confirmed in writing to the applicant.

All applicants have a right of appeal to the Magistrates' Court against decisions made on applications by the Council. An appeal must be made to the North Somerset Magistrates' Court within 21 days of receipt of written notification of the decision on the application made.

14. Failure to renew Driver's Licences

Failure to renew a driver's licence (all categories) by the expiry date of a Licence will require the licence holder to apply as a new applicant. This will include the re-taking of driving test, medical, CRB check, knowledge test and provision of references. In addition the higher initial application fee will be charged. We will send a written notification to all licensees prior to a licence expiring. It should though be noted that the responsibility for the renewal of the licence rests with the licensee and non receipt of renewal correspondence will not be accepted as a reason for the non renewal of a licence unless extenuating circumstances can be proved by the licensee.

15. Driver Code of Good Conduct

The Council has an agreed and agreed code of good conduct for licensed drivers. The code is shown at **Appendix 2** and provides guidance on the standards expected from licensed drivers. Failure to comply with the requirements of the code may result in formal action being taken by the Council against a licensee. Familiarisation with the code and compliance with the requirements is therefore recommended.

16. Hackney Carriage Byelaws

The Council has specific byelaws in relation to Hackney Carriages. Hackney Carriage Driver Licences do not contain any conditions attached to the Licence, but all Hackney Carriage Drivers are subject to the byelaws. Knowledge of and compliance with the byelaws is therefore essential for licensed drivers of Hackney Carriages. A copy of the Council's Hackney Carriage Byelaws is shown at **Appendix 3**.

17. Private Hire Driver Licence Conditions

The conditions which we attach to Private Hire Driver Licences are shown at **Appendix 4**. Applicants for Private Hire Driver's Licences will need to be familiar with these conditions.

18. Data Protection Act

Under the Data Protection Act 1998 the personal data you provide as part of the application process will be used by North Somerset Council to administer your licence. In order to protect public safety, this may include the use of sensitive personal data (criminal offences) to help assess whether you are a fit and proper person to hold a licence.

We may occasionally share your personal data with other Council departments and with other bodies (notably Housing Benefits, the Police, Inland Revenue) for the purposes of protecting public money, preventing and detecting crime and/or fraud and ensuring public safety. Such sharing will only occur on a case-by-case basis where a justifiable purpose in line with legislation has been demonstrated. The information may also be used for internal training.


19. Change of Address

If you change address whilst in possession of a drivers licence you must notify the Licensing Office of your new address within 7 days of the change taking place. Failure to notify a change of address is a breach of the licence and could result in formal action being taken.

20. Contact Information

If you require further information or assistance about applying for a licence, please contact the Licensing Team as follows:

The Licensing Office
Warne Road Depot,
Warne Road,
Weston-super-Mare,
North Somerset,
BS23 3ND

 01934 426 800

Fax: 01934 426 230

Email: licensing@n-somerset.gov.uk

Web: www.n-somerset.gov.uk/licensing

FEES for 2011 (January to December)

Service	Fee
Hackney Carriage or Private Hire Drivers Licence(first grant – 3 years)	£180.00
Criminal Records Bureau Enhanced Disclosure*	£44.00
Driver Suitability Test	£10.00
Hackney Carriage Drivers Knowledge Test/Retest Fee	£59.00
Private Hire Knowledge Test	£35.00
Driver Vehicle Licensing Agency(DVLA) licence search fee*	£5.00
Replacement of drivers badge	£7.50 <i>each</i>
Replacement of neck lanyard	£3.00 <i>each</i>
Replacement of Licence	£12.50

* External fees subject to change

Driver licence quick calculation table (3 year licences)

Licence Type	First Grant	Renewal
Combined Licence (Hackney & Private Hire)	£288 Inclusive of Licence Fee, DVLA Fee, CRB check, Suitability & Knowledge Tests and neck lanyard	£180 + any relevant licence checks such as CRB/DVLA licence checks
Private Hire Only	£274 Inclusive of Licence Fee, DVLA Fee, CRB check, Suitability & Knowledge Tests and neck lanyard	£180.00 + any relevant licence checks such as CRB/DVLA licence checks

Please note the above charges include a non returnable application deposit fee of £60.00

LICENSED DRIVER CODE OF GOOD CONDUCT

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, North Somerset 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 neighbourhood

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 their radio/cassette players or VHF radios to cause disturbance to residents of the neighbourhood;
- (c) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood 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;
- (k) not to carry more passengers in a vehicle than it is licensed to carry.
- (l) not to consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (m) 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.

Hackney Carriage Byelaws (as amended and adopted by North Somerset Council)

Byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by Woodspring District Council with respect to hackney carriages in the district of Woodspring.

INTERPRETATION

1. Throughout these byelaws 'the Council' means the District Council of Woodspring and 'the District' means the District of Woodspring.

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 plate 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 materials particular is illegible.

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

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

- (h) provide an efficient fire extinguisher which shall at all times 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) provide and maintain an electric light in the interior of the carriage for the use of any person hiring or being driven therein.
- (k) not to cause or permit any signs, advertising material or printed matter to be displayed on the exterior of the carriage without the approval of the Council or unless required by these byelaws.

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that's 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 if 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 fare scale approved by the Council and in force for the district;
- 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.

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

5. The driver of a hackney carriage provided with a taximeter shall:-

- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

- b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the period beginning one hour before sunset and ending at sunrise and also at any other time requested by the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired;
- a) proceed with reasonable speed to one of the stands appointed by the Council;
 - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - d) from time to time when any other carriage immediately in front has driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage;
 - a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading;
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person.
15.
 - a) the proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council 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 playing for hire or being used for hire.

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

16. 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.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have conveyed in the carriage be found by or handed to him;
 - a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
 - b) be entitled to receive from any person to whom the property shall be re-delivered 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

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

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS OF LICENCE

The holder of this licence shall comply with the Provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976

1. Conduct of Driver

The driver shall comply with North Somerset Council's licensed driver's code of conduct.

2. Passengers

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

2.2 The driver shall not allow there to be conveyed in the front of a private hire vehicle:-

- (a) Any child below the age of 10 years
- (b) More than one person above that age.

3. Lost Property

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

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

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

3.2.1 Be entitled to receive from any person to whom the property shall be re-delivered 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 council, whichever is the greater) but not more than five pounds.

4. Written Receipts

The driver shall if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.

5. Animals

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle and he/she will ensure that

any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle. The driver shall accept guide dogs and hearing dogs at no extra charge.

6. Prompt Attendance

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

7. Identification Badge

The licensee shall at all times when acting in accordance with this licence wear the official badge issued by the Council in such a position on his/her person as to be plainly and distinctly visible.

8. Deposit of Licence

If the driver is permitted or employed to drive a private hire vehicle, of which the proprietor is someone other than himself, he shall, before commencing to drive that vehicle, deposit this licence with the proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

9. Taximeter

If a private hire vehicle is fitted with a taximeter the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

10. Fare to be demanded

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and operator or, if the vehicle is fitted with a taximeter and there has not been a previous agreement as to the fare, the fare shown on the face of the taximeter shall be the agreed fare.

11. Change of Address

The driver shall notify the Council in writing of any change of address, including the name and address of any Company from whom bookings are taken, within 7 days of such a change taking place.

12. Convictions

That within seven days of having been cautioned or convicted of a criminal offence the licence holder shall notify the licensing authority of that event and if the licensing authority is not notified within the requisite period the licence may be automatically revoked.

13. Change of Medical Circumstances

If the licence holder experiences an adverse change of medical circumstances that will affect his/her ability to perform as a licensed driver, the licence holder shall forthwith notify the Licensing Authority. Failure to notify the Licensing Authority of an adverse change of medical circumstances will render this licence subject to suspension or revocation.

14. Assistance with Passengers Luggage

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

- (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 a person

15. Return of Badge

The driver shall upon the expiry (without further renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge and licence document issued to him by the council when granting this licence.

16. Insurance

The driver shall produce for inspection, upon request by an authorised Council Officer, a current certificate of insurance or cover note.

17. Payment of Fees by Instalments

Where the payment of the licence fee is agreed to be paid on an instalment basis, the fee shall be paid on a yearly basis commencing from the date of the grant of the licence. The fees due shall be paid in three equal instalments. Failure to make prompt payments on the due dates will render in the licence being considered for revocation.

18. Revocation and Modification of Conditions

The Council reserves the right, (at its own behest and at any time), to revoke, vary, or modify any of these conditions and/or make such additional conditions as it may deem requisite, either generally or in respect of any particular licence or occasion.

19. Grievances

By virtue of Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by a condition attached to a licence may appeal to a Magistrates' Court within 21 days of receipt of the licence.

CRIMINAL CONVICTIONS POLICY

General Principles

1. In relation to cautions, the Licensing Authority shall have regard to the type and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application. Cautions given more than 5 years before the date of application shall be treated as irrelevant.
2. In relation to previous convictions, the Licensing Authority shall have regard to the following:
 1. Whether the convictions are spent or unspent;
 2. The type and relevancy of the offences;
 3. The age of the offences;
 4. The apparent seriousness, as gauged by the penalty.
3. The Licensing Manager or Group Service Manager may deal directly with less serious first offences without referring the matter to the relevant licensing sub-committee. They may choose to take no action or may issue warnings as to future conduct in accordance with this policy.
4. In particular, applicants and current licensees shall be referred to the Licensing Sub-Committee where one or more of the following apply:
 1. Any term of imprisonment or custody;
 2. Any conviction for a sexual offence;
 3. Any conviction for violence or dishonesty which is of a serious nature;
 4. Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or more than one conviction for drink driving;
5. The following guidelines are used to determine the relevance of criminal convictions in relation to applications for hackney carriage and private hire driver's licenses. In so stating, this Licensing Authority has adopted the guidelines set out in the Department of Transport Circular 2/92 and Home Office Circular 13/92, subject to certain limited modifications.

General Policy

- 6 Each case shall be decided on its own merits.
- 7 A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years according to the circumstances before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However the overriding consideration should be the protection of the public.
- 8 The following examples afford a general guide on the action to be taken where convictions are admitted.

Minor traffic offences

9. Convictions for minor offences e.g. obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application. However, the number, type and frequency and repetition of these types of offences may be taken into account. If sufficient

points have been accrued to require a period of disqualification of the applicants DVLA driving licence then a hackney carriage/private hire drivers licence may be granted after its restoration but a warning should be issued as to future conduct. Holders of council issued drivers licences convicted during the period of licence of such offences may be warned as to future conduct, and any disqualification from driving will lead to an automatic suspension of any hackney carriage/ private hire drivers licence issued by the council. Reinstatement of a drivers licence may be made following a review by the licensing sub-committee.

Major motoring offences

10. An isolated conviction for reckless driving or driving without due care and attention etc should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last 2 years should merit refusal and no further application should be considered until a period of 3 years free from conviction has elapsed. Similarly, any conviction during the period of a council issued licence will lead to a warning as to future conduct and repeated offences within a two year period shall merit consideration of the revocation of that licence. No further application shall be considered until a period of 3 years free from conviction has elapsed.

Drunkenness

(a) With a motor vehicle

11. A serious view shall be taken of convictions for driving or being in charge of a motor vehicle under the influence of drink. An isolated incident in the past should not necessarily debar an applicant but a strict warning should be given as to future behaviour. More than one conviction for these offences shall raise grave doubts as to the applicant's fitness to hold a hackney carriage/private hire drivers licence. At least 3 years should elapse after the restoration of the DVLA driving licence before an application can be considered for a Council issued drivers licence. A licensed driver found guilty of driving whilst under the influence of alcohol shall have their council issued drivers licence revoked. Re-consideration of the granting of a new licence shall not be entertained for a minimum period of three years after restoration of the DVLA driving licence.
12. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 3 years must elapse after treatment is complete before a further licence is considered.

(b) Not in motor vehicle

13. An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination. In some cases, a warning would be sufficient. A conviction of this type of offence during the period of a council issued licence could warrant a warning as to future conduct, with subsequent convictions possibly leading to suspension and/or revocation of any licence held.

Drugs

14. An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict. A driver found guilty of driving whilst under the influence of drugs, or found guilty of any drug related offence shall have their council issued drivers licence suspended and consideration given for the revocation the licence. Re-consideration of the granting of a new licence shall not be entertained for a minimum period of three years, free from conviction.

Indecency offences

15. As hackney carriage and private hire drivers often carry unaccompanied and/or vulnerable passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, shall be refused a licence until they can show a substantial period free of such offences. Each case shall be treated on its merits. A conviction of this kind shall preclude consideration for at least five years. If a licence is issued by the council then a strict warning as to future conduct should be issued. A licensed driver found guilty of indecency offences during the period of the council issued licence shall have their council issued drivers licence suspended and consideration given for the revocation the licence. Re-consideration of the granting of a new licence shall not be entertained for a minimum period of five years free from conviction.

Violence

16. As hackney carriage and private hire drivers maintain close contact with the public, a firm line shall be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and a strict warning shall be administered. A licensed driver found guilty of violence related offences shall have their council issued drivers licence suspended and consideration given for the revocation the licence. Re-consideration of the granting of a new licence shall not be entertained for a minimum period of three years, free from conviction.

Dishonesty

19. Hackney carriage and private hire drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday is indicative of the trust people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any convictions involving dishonesty. In general, a period of at least 3 years free of conviction shall be required before entertaining an application. Any existing driver convicted of offences of dishonesty shall have their council issued drivers licence suspended and consideration given for the revocation the licence. Re-consideration of the granting of a new licence shall not be entertained for a minimum period of three years, free from conviction.

Insurance Offences

19. A serious view will be taken of convictions for driving or being in charge of a vehicle without the correct type of insurance. An isolated incident in the past will not necessarily debar an applicant provided he/she has been 3 years free of conviction unless there are exceptional circumstances. A strict warning shall be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicant's fitness to hold a hackney carriage and private hire drivers licence unless there are exceptional circumstances. At least three years free from conviction shall elapse before an applicant is considered for a council issued licence. A driver found guilty of driving passengers for hire and reward without the appropriate insurance will have his licence suspended and consideration given for the revocation the licence. A new application from a person whose licence has been revoked will not be considered for a period of three years, free of conviction.

PRINCIPLES OF THE REHABILITATION OF OFFENDERS ACT 1974

The following offers guidance only and the Act should be consulted for definitive interpretation of the legislation.

- (1) Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely.
- (2) The possibility of rehabilitation and the length of time before rehabilitation occurs depends on the sentence imposed, and not the offence committed.
- (3) Where a person is sentenced to imprisonment for a period exceeding 30 months, the conviction can never become spent.
- (4) Despite the above, **the principles of the Act do not apply to applicants for hackney carriage and private hire drivers' licences**. This is because the driving of taxis is listed as a "Regulated Occupation" in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- (5) Although the Act does not prevent judicial authorities (inclusive of the Licensing Authority) from taking spent convictions into account; such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a fit and proper person to hold a licence.

Sentence	Becomes Spent After
Prison sentences ¹ of 6 months or less	7 years
Imprisonment of between 6 months and 30 months	10 years
Borstal (abolished in 1988)	7 years
Detention centers (abolished in 1988)	3 years
Fines ² , compensation, probation ³ , community service ⁴ , combination ⁵ , action plan, curfew, drug treatment and testing and reparation orders	5 years
Absolute discharge	6 months
Probation order or conditional discharge	1 year or until order expires whichever is the longer
Detention centre order	3 years
Remand home, attendance centre or approved school order	The period of the order plus 1 year
Hospital order under the Mental Health Act	The period of the order plus 2 years
Cashiering, discharge with ignominy, or dismissal with disgrace from the Armed Forces	10 years
Dismissal from Armed Forces	7 years

¹ Including suspended sentences, youth custody (abolished in 1988) and detention in a young offenders institution (abolished for those under 18 in 2000 and for those aged 18-21 in 2001)

² Even if subsequently imprisoned for fine default.

³ For people convicted on or after 3 February 2005. These orders are now called community rehabilitation orders.

⁴ These orders are now called community punishment orders.

⁵ These orders are now called community punishment and rehabilitation orders.

For convictions imposed when under the age of 17 years, halve the period shown for when convictions become spent.