

# Public Document Pack



**Nottingham  
City Council**

## **Nottingham City Council Regulatory and Appeals Committee**

**Date:** Monday, 27 February 2023

**Time:** 10.00 am

**Place:** Ground Floor Committee Room - Loxley House, Station Street, NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

**Director for Legal and Governance**

**Governance Officer:** Mark Leavesley

**Direct Dial:** 0115 876 4302

- 1 Apologies for absence**
- 2 Declarations of interests**
- 3 Minutes** 3 - 4  
Last meeting held on 08 August 2022 (for confirmation)
- 4 Hackney Carriage & Private Hire Licensing Policy & Procedures** 5 - 166  
**Manual**  
Report of Director of Community Protection

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting

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## Nottingham City Council

### Regulatory and Appeals Committee

Minutes of the meeting held at Loxley House, Station Street, NG2 3NG, on 8 August 2022 from 11.00 am - 11.10 am

#### Membership

##### Present

Councillor Audrey Dinnall (Chair)  
Councillor Merlita Bryan  
Councillor Corall Jenkins  
Councillor Angela Kandola  
Councillor Gul Nawaz Khan  
Councillor Salma Mumtaz  
Councillor Toby Neal  
Councillor Shuguftah Quddoos  
Councillor Roger Steel  
Councillor Adele Williams

##### Absent

Councillor Cheryl Barnard  
Councillor Azad Choudhry  
Councillor Jawaid Khalil  
Councillor Nick Raine

#### Colleagues, partners and others in attendance:

Ann Barrett	- Team Leader, Legal Services
Sabina Bashir	- Solicitor, observing
Melanie Bird	- Licensing Compliance Manager
Paul Dales	- Chief Environmental Health Officer
John Davis	- Taxi Licensing Compliance Manager
Katie Jones	- Licensing Officer
Mark Leavesley	- Governance Officer

#### 1 Appointment of Vice-Chair

Resolved to appoint Councillor Gul Khan as Vice-Chair for the remainder of the municipal year 2022-23.

#### 2 Apologies for absence

Councillor Barnard (leave)

#### 3 Declarations of interests

None.

#### 4 Minutes

The Committee confirmed the minutes of the last meeting held on 06 September 2021 as a correct record and they were signed by the Chair.

#### 5 Initial application to licence a Private Hire Vehicle

John Davis, Taxi Licensing Compliance Manager, presented the report, which requested the Committee consider a departure from the Council's private hire 'Age

and Specification Policy' which requires vehicles to be 'no more than 4-years old' when first licensed. Mr Davis confirmed that the vehicle is 5 years old, is a prestige all electric vehicle and, in all other respects, met the Council's policy and reasons for it.

In response to questions, Mr Davis stated that the vehicle is a ULEV and confirmed that each application had to be considered on its own merits. A decision to grant a licence in this case would not reflect a change in Council Policy and any future requests for departure from that policy would be dealt with on a case by case basis.

**Resolved that, subject to the vehicle passing the Council's enhanced MOT test, a Private Hire Vehicle Licence be granted for the Tesla Model S vehicle, registration number LD17 UVY.**

**Regulatory and Appeals Committee – 27 February 2023**

<b>Title of paper:</b>	Hackney Carriage & Private Hire Licensing Policy & Procedures Manual	
<b>Director:</b>	Andrew Errington - Community Protection	<b>Wards affected:</b> All
<b>Report author and contact details:</b>	John Davis, Taxi Licensing Compliance Manager <a href="mailto:john.davis@nottinghamcity.gov.uk">john.davis@nottinghamcity.gov.uk</a>	
<b>Other colleagues who have provided input:</b>	Ann Barrett - Team Leader, Legal Services Susan Turner, Senior Commercial Business Partner	
<b>Date of consultation with Portfolio Holder</b>	N/A	
<b>Does this report contain any information that is exempt from publication?</b> No		
<b>Relevant Council Plan Key Outcome:</b>		
Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input checked="" type="checkbox"/>	
Child-Friendly Nottingham	<input type="checkbox"/>	
Healthy and Inclusive	<input type="checkbox"/>	
Keeping Nottingham Moving	<input checked="" type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Financial Stability	<input type="checkbox"/>	
Serving People Well	<input type="checkbox"/>	
<b>Summary of issues (including benefits to citizens/service users):</b>		
<p>The Department for Transport ‘Statutory Taxi &amp; Private Hire Standards’ published in July 2020 recommends that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing.</p> <p>The principal purpose of the Hackney Carriage and Private Hire Licensing Policy &amp; Procedures Manual is to consolidate current policies and good practice guidance into a single document that aligns with the national standards and is easier to access so as to facilitate compliance. The aim is to emphasise the importance of the standards in underpinning safeguarding to protect the vulnerable and promote public safety.</p> <p>The Council will recognise the policy manual as a method to be clear about the standards the authority expects in carrying out its Hackney Carriage and Private Hire licensing function. The key issues that the policy manual promotes are:</p> <ul style="list-style-type: none"> <li>• Protecting the public, safeguarding children / the vulnerable and prevention of crime / disorder;</li> <li>• The health and safety of the public and drivers;</li> <li>• Vehicle safety, comfort and access;</li> <li>• Encouraging environmental sustainability</li> </ul> <p>In promoting the licensing aims and objectives, the Council expect to see all licence holders and applicants continuously demonstrate they meet or exceed the standards set by the Authority.</p>		

**Recommendation:**

<b>1</b>	It is recommended that the Policy and Procedures Manual (save for appendices A-B and I-Q, which reflect already adopted policies and procedures) be released for consultation.
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**1. Reasons for recommendations**

- 1.1 The Statutory Taxi & Private Hire Vehicle Standards (the Statutory Standards) state 'Whilst the focus of the Statutory & Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it.
- 1.2 There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to'.
- 1.3 The Hackney Carriage & Private Hire Licensing Policy and Procedures Manual (the Manual) brings the Council's current policies and good practice guidance into a single document as the Statutory Standards recommend. In bringing existing policies into one document it is not the intention that they are re-adopted hence the consultation process will only relate to those parts of the Manual which are new or where change is proposed.

**2. Other options considered in making recommendations**

- 2.1 None – the Department for Transport recommends all licensing authorities make publicly available a cohesive document that brings together all their procedures on taxi and private hire vehicle licensing unless there is a compelling local reason not to.

**3. Consideration of Risk**

- 3.1 The Taxi Licensing service is a statutory service bound by various codes of practice, laws and case law. Not meeting minimum service standards through adoption of relevant standards and policies could result in legal challenge or reputational/vicarious liability risk if citizens are harmed by the taxi trade that should have been regulated to a reasonable standard.

**4. Background (including outcomes of consultation)**

- 4.1 The Policing & Crime Act 2017 enabled the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable adults from harm.
- 4.2 On 21 July 2020, the Government introduced new standards for the taxi and private hire vehicle trades across England & Wales. This is the latest step to be taken by the Government to reduce the risk of harm to passengers and to help to improve consistency across local authorities and represents a significant step-change in the way in which local authorities will licence drivers, vehicles and operators.
- 4.3 The document sets out a framework of policies that licensing authorities must have regard to when exercising their functions. Licensing authorities are expected to implement the recommendations unless there is a compelling local reason not to.

The main highlights of the document include:

- Consolidating current policies and good practice guidance into a single document that aligns with the national standards and is easier to access so as to facilitate compliance.
- Ensuring a robust, user friendly reporting system for passenger complaints.
- Driver licensing – 6-monthly DBS checks, safeguarding awareness training and language proficiency testing.
- Vehicle licensing – DBS checks for vehicle proprietors, use of CCTV in vehicles.
- Private Hire Vehicle Operator licensing – DBS checks for operators, review conditions of licence.
- A clear whistleblowing procedure.

4.4 Taxis and Private Hire vehicles are considered a high-risk environment and complex licensing regulations have been devised and enforceable for many years to mitigate these risks. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and, in some cases, perpetrated by the trade and in the number of sexual crimes reported involving taxi and Private Hire vehicle drivers (Statutory Standards paragraph 1.1).

4.5 As a Council, we are already at the forefront with many of the suggested actions already being embedded within the existing processes and policies:

- In 2015, the Council introduced compulsory safeguarding training for all existing drivers and initial applicants. The training delivers a wide range of subjects and is not just limited to Child Sexual Exploitation but also raises awareness of other types of vulnerabilities and forms of exploitation which drivers may become aware of in their day to day contact with the public. Drivers are also provided with information on signposting information where they can register concerns.
- When a driver's licence is granted or renewed, an enhanced DBS check and a DVLA drivers record check are carried out and further checks are done every six months throughout the term of the licence. Where a driver has lived or worked outside the UK for an extended period, Certificates of Good Conduct are required.
- Applicants and drivers are checked to ensure that they have the right to work in the UK.
- Complaints can be made through the Council's 'Have Your Say' system and directly to Taxi Licensing. All complaints and results are recorded on the driver's record.
- The Council has signed cross border delegations with other licensing authorities in Nottinghamshire to allow enforcement action to be carried out on vehicles and drivers other than those licensed by Nottingham City Council.
- The Council has signed up to the NR3S national database which allows officers to carry out checks on drivers and initial applicants to see if they have had licences

suspended or revoked or applications refused by authorities elsewhere in the country.

4.6 A review has been carried out of the Council's policy documents, conditions, and procedures in light of the publication of the Statutory Standards and where those items are proposed to change (e.g. the Council's standard conditions of licence) it is proposed that those items go out to consultation along with the main text of the manual. Other Policies which will remain unchanged (such as the Council's hackney carriage and Private Hire vehicle age and specification policy) will not be the subject of consultation. The results of the consultation will be brought back to Committee for consideration before the Manual is adopted. It is proposed that the consultation will run for 8 weeks.

4.7 The appendices that are being consulted on are listed below. The proposed changes are highlighted in red in the relevant document:

- Appendix C – Enforcement, Convictions & Fitness policy. Amendments include additional offences to be taken into consideration when granting or reviewing a licence and an increase in some of the time scales before which a licence won't normally be granted upon completion of any sentence and/or licence period as per the recommendations of the Statutory Guidance.
- Appendix D – Private Hire/Hackney Carriage driver conditions of licence. These have generally been updated. Amendments include the requirement not to smoke, vape or use e-cigarettes in a licensed vehicle, not to use a hand held electronic device whilst driving, dash badge to be displayed inside the vehicle, the driver to notify any changes in their medical condition, additional requirements in respect of convictions and the requirements to work for multiple operators.
- Appendix E – Private Hire Vehicle conditions. These have generally been updated. - and additional requirements in respect of safeguarding passengers, convictions, and the fitting of CCTV to a vehicle have been added.
- Appendix F – Hackney Carriage conditions of licence. These have generally been updated. and additional requirements when reporting convictions, the requirement for card payment machine to be fitted to the vehicle and the requirements if CCTV is to be fitted to a vehicle have been added.
- Appendix G – Private Hire Operator conditions of licence. Change to the particulars required to be recorded when taking a booking, record of the details of drivers and vehicles that are to be kept by the operator, a basic DBS required for staff taking bookings and dispatching vehicles, additional safeguarding requirements, requirement to notify the Council of conviction, arrests etc. and the requirement to keep a record of complaints and when the licensing authority needs to be notified. The new conditions introduce recommendations from the Statutory Guidance.
- Appendix H – Introduction of a Private Hire Operator applications procedure. Includes Statutory Guidance recommendations.
- Appendix R – Technical specification and system requirements if CCTV is to be fitted to a vehicle. This will ensure that any CCTV fitted to a licensed vehicle will meet industry standards and will comply with GDPPR requirements.



## **5. Finance colleague comments (including implications and value for money)**

- 5.1 This report seeks approval to progress with the adoption of a revised policy which is the consolidation of existing policy documents to ensure a clear single policy. There are no financial implications to this request as this does not affect the fee mechanisms but rather a centralisation of policy information. Any other general cost implications are expected to be met within the existing MTFP.

Susan Turner, Senior Commercial Business Partner, 14<sup>th</sup> Feb 2023

## **6. Legal colleague comments**

- 6.1 As indicated in the main body of the report the Statutory Standards recommend that all of the Council's hackney carriage and private hire licensing policies and procedures are brought together in one document. The Manual represents that document. In bringing the policies and procedures together however it is not intended that existing policies be re-adopted or re-introduced hence consultation will not take place on the entire document only those parts of it which are new or where change is proposed.
- 6.2 As the recommendation is to enable the release of certain parts of the Policy and Procedures Manual for consultation then the risk of challenge is low at this stage. However should any new policies ultimately be adopted then they may be susceptible to Judicial review on the usual administrative law grounds and other changes (such as those proposed to conditions of licence,) may be challengeable by way of appeal to the magistrates court.

Ann Barrett, Team Leader Legal Services 13 February 2023

## **7. Other relevant comments**

- 7.1 None.

## **8. Crime and Disorder Implications (If Applicable)**

- 8.1 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services.
- 8.2 The Statutory Taxi and Private Hire Vehicle Standards were issued in July 2020. The Standards document is published 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). Under section 177(4), licensing authorities "must have regard" to the Standard when exercising their functions.

## **9. Social value considerations (If Applicable)**

- 9.1 N/A

## **10. Regard to the NHS Constitution (If Applicable)**

- 10.1 N/A

## **11. Equality Impact Assessment (EIA)**

11.1 HAn EIA is not required because the proposal, if introduced, would not impact on any particular group within the City.

**12. Data Protection Impact Assessment (DPIA)**

12.1 A DPIA is not required because there is no additional impact on the data protection requirements already in place. A DPIA was completed when the NR3S policy was introduced.

**13. Carbon Impact Assessment (CIA)**

13.1 A CIA is not required because this policy has no impact on the CIA.

**14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

14.1 None.

**15. Published documents referred to in this report**

15.1 Department for Transport's Statutory Taxi & Private Hire Vehicle Standards.



Department  
for Transport

# Statutory Taxi & Private Hire Vehicle Standards

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# 1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

## 2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. 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.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the 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 will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,



holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published 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).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

### 3. Administering the Licensing Regime

#### Licensing policies

- 3.1 The Department recommends 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 but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

*"It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride."*

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

*"Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction."*

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

## Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has 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; they should not be issued on a 'probationary' basis.

## Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

### Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

### Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

## 4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

### The Disclosure and Barring Service

- 4.2 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.
- 4.3 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. 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](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer 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. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

## The Disclosure and Barring Service Update Service

- 4.5 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.
- 4.6 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.
- 4.7 Licensing authorities are 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](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

### Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

### Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities 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](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 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](#).



## Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

## Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*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. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The 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 should 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.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

### **Multi-agency Safeguarding Hub (MASH)**

- 4.26 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. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

### Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

## 5. Decision Making

### Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

### Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
  - any implications of the Human Rights Act should be considered.
  - the rules of natural justice should be observed.
  - decisions must be reasonable and proportionate.
  - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

### The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

### Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

**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?**

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

### Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.



## 6. Driver Licensing

### Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 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 legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

### Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. 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.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have 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; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

### **‘County lines’ exploitation**

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be 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.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

## 7. Vehicle Licensing

7.1 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. 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.

### Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

### **In-vehicle visual and audio recording – CCTV**

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult 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, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

### **Stretched Limousines**

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

## 8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect 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 licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators 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 driver licensing regime.

### Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.



8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## Record keeping

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

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

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

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

## Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## 9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

### Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

### Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

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.

### Exploitation

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

### Offences involving violence against the person

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

### Possession of a weapon

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

### Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

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

### Dishonesty

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

## Drugs

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

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 five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

## Discrimination

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

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## Using a hand-held device whilst driving

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

## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions <sup>1</sup>	Yes	Yes	Yes	Yes
Spent convictions <sup>2</sup>	No	Yes	Yes	Yes
Spent cautions <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
Additional police Information <sup>3</sup>	No	No	Yes	Yes
Barred list(s) Information <sup>4</sup>	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

## Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access



and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

## Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

**Nottingham City Council**  
**Hackney Carriage & Private Hire Licensing Policy**  
**and Procedures Manual**

**Date of implementation:**

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Appendix R	CCTV specifications

## **1. Introduction**

The Department for Transport ‘Statutory Taxi & Private Hire Standards’ published in July 2020 (the “Statutory Standards”), recommends 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 Manual therefore brings together Nottingham City Council’s various policies and procedures relating to Hackney Carriage and Private Hire Vehicles, their Drivers and Operators and will be reviewed from time to time (in whole or part) as may be appropriate.

These policies and procedures set out the Licensing Authorities framework against which all applications and enforcement actions will be measured though each case will be considered on its own merits and the Licensing Authority may depart from its policies (and relevant governmental guidance) where it feels it has good reason to do so.

## **2. Application and Definitions**

### **2.1 Application**

The Local Government (Miscellaneous Provisions) Act 1976, as amended, ('the 1976 Act') and the Town Police Clauses Act 1847 ('the 1847 Act') provide the regulatory framework for Nottingham City Council as the Licensing Authority ('the Authority') to carry out its licensing functions in respect of Hackney Carriage and Private Hire Licensing.

This document collates the policies and procedures that the Authority will apply when making decisions about new applications and licences currently in force. This document applies to:

- Hackney Carriages: being a vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public within the Nottingham City boundary or undertake pre-booked work.
- Private Hire Vehicles: licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and cannot ply for hire in the street.
- Private Hire operators.
- Hackney Carriage and Private Hire drivers.

In undertaking its licensing function, the Licensing Authority will have particular regard to relevant legislative requirements including:

- Town Police Clauses Act 1847 & 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 & 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- The Department for Transport "Statutory Taxi & Private Hire Standards" July 2020

The Licensing Authority will also have regard to other strategies, policies and guidance in its decision making. In setting and applying such strategies, policies and guidance the Council may have regard to wider considerations affecting visitors, employers and residents. These include the availability of Hackney Carriage and Private Hire transport at all times, public nuisance, pollution, crime and the capacity of the trade to cope with customer demand, particularly at night.

The Statutory Standards recognise that taxis and private hire vehicles are a "high risk environment" and primary concern of the Licensing Authority therefore remains the safety of the travelling public including safeguarding the children and vulnerable adults who may travel in them .

The Licensing Authority will also follow the principles laid out in the statutory Regulator's code and any recommendations from the Better Regulation Delivery Office and the Department for Transport.

## 2.2 Definitions

In this policy manual:

- 'The Council' or 'Licensing Authority' means Nottingham City Council
- 'Authorised Officer' means an officer authorised in writing by the Council for the purposes of Part II of the Local Government (Miscellaneous) Provisions Act 1976.
- 'This policy manual' means Nottingham City Council's Hackney Carriage and Private Hire Licensing Policy & Procedures Manual.
- 'Hackney Carriage' means a hackney carriage licensed by the Council section 37 under the Town Police Clauses Act 1847.
- 'Private Hire vehicle' means a vehicle licensed by the Council under section 48 the Local Government (Miscellaneous Provisions) Act 1976.

- ‘Operator’ means a person who makes provision for the invitation or acceptance of bookings for a Private Hire Vehicle licensed under section 55 of the Local Government (Miscellaneous Provisions) Act 1976
- ‘Plate’ means the plate issued by the Council for the purposes of identifying the vehicle as a Private Hire Vehicle or a Hackney Carriage.
- ‘DfT’ means the Department for Transport, including previous names under which that Department has been known.
- ‘District’ means Council’s administrative district
- ‘He’, ‘his’, or ‘him’ means all references to ‘he’, ‘his’, or ‘him’ expressly also imply the definition of ‘she’, ‘hers’, or ‘her’
- ‘The Committee’ means the Regulatory and Appeals Committee of the Council
- ‘DVLA (Driver and Vehicle Licensing Agency) driving licence’ means a full original UK driving licence
- ‘Driver’ means a person who has been granted a licence by the Council to drive a Hackney Carriage or a Private Hire Vehicle under Section 46, Town Police Clauses Act 1847 or Section 51, Local Government (Miscellaneous Provisions) Act 1976 respectively.
- ‘Proprietor’ means the person(s) or body named in the licence for the vehicle as the proprietor and includes part proprietors and in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.
- ‘Badge’ means, in relation to the driver of a hackney carriage, any badge issued by a district council under byelaws made under section 68 of the Town Police Clauses Act 1847 and, in relation to the driver of a private hire vehicle, any badge issued by a district council under section 54 of the Local Government (Miscellaneous Provisions) Act 1976;
- ‘Driver’s licence’ means, in relation to the driver of a hackney carriage, a licence under section 46 of the Town Police Clauses Act 1847 and, in relation to the driver of a private hire vehicle, a licence under section 51 of the Local Government (Miscellaneous Provisions) Act 1976;
- ‘Taximeter’ means any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.
- ‘Vehicle licence’ means a Hackney Carriage issued by the Council under sections 37 of the Town Police Clauses Act 1847 or a Private Hire Vehicle licence issued by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

### **3. Aims and Objectives of the Hackney Carriage & Private Hire Licensing Policy**

The principal purpose of Hackney Carriage and Private Hire Licensing is to protect the public and promote public safety.

The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,
- The health and safety of the public and drivers
- Vehicle safety, comfort and access
- Encouraging environmental sustainability

In promoting these licensing aims and objectives, the Council will expect to see all licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Licensing Authority.

The Licensing Authority will work in partnership with its licence holders, neighbouring authorities, the Police, local businesses and citizens to ensure promotion of these aims and objectives.



Relevant Council policies and conditions will be taken into account by the Licensing Authority when making decisions on applications/enforcement action. These may be set to include or have regard to

**A. The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder.**

- Raising awareness amongst the licensed trade and the general public of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Commitment to work with the police and licensing authority.
- An expectation that licence holders will treat all customers, passengers, the general public and Council Officers with courtesy and respect at all times.
- Enforcement of licence conditions.

**B. The health and safety of the public and drivers.**

- Consideration of the history of convictions and cautions.
- Driver training, qualification and performance.
- Knowledge of the Nottingham City area.
- Health & fitness to fulfil the role of a licensed driver.
- Vehicle specifications
- Regular driver medical checks
- Commitment to work and co-operate with the Police and other licensing authorities.

**C. Vehicle safety, comfort and access**

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks.
- Use of ranks.
- Provision of disabled facilities.
- Number of vehicles available.

**D. Encouraging environmental sustainability**

Working with stakeholders in the trade to find methods of reducing vehicle emissions and not issuing licences to vehicles that are unable to comply with European Emissions Standards.

**4. Delegations**

The Statutory Guidance recommends that councils operate with a Regulatory Committee or Board convened at periodic intervals to determine licensing matters and that less contentious matters be delegated to appropriately authorised council officers via a transparent scheme of delegation.

The Council's Constitution details who is responsible for making decisions on matters relating to Hackney Carriage and Private Hire licensing. The Regulatory and Appeals Committee of the Council has primary responsibility for licensing as set out in its Terms of Reference. However, due to the large number of licensing matters that require determining on a daily basis, the Council has delegated a majority of its operational licensing functions to officers including the power to grant, refuse and review licences. These powers are delegated to multiple officers of varying degree of seniority to ensure that they can be efficiently exercised in a timely and consistent manner and that impartiality and independence from investigating officers can be maintained. A copy of the constitution which contains the scheme of delegation is available on the Council's website or upon request.

**5. Whistleblowing (confidential reporting)**

Paragraph 3.8 and 3.10 of the Statutory Guidance expect licensing authorities to have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly and that staff are aware of the policy.

If a confidential report (whistleblowing) is made to the Council, the Council's confidential reporting policy will be followed. A copy of the Council's confidential reporting code (whistleblowing procedure) can be found at Appendix P.

## **6. Hackney Carriage & Private Hire (combined) Driver licensing requirements**

All drivers must satisfy the Licensing Authority that they are fit and proper people to be granted a driver's licence and then must remain a fit and proper person for the duration of that licence. The fitness and propriety of the driver will be monitored/assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings. Enquiries will be made with the Disclosure & Barring Service and through Police Common Law Disclosure.

It is the applicants duty to declare if they have held or hold a Hackney/Private Hire Vehicle licence with any other authority, if they have surrendered the licence before its renewal date and if they have been subject to any suspension or revocation of the said licence.

The Licensing Authority aims to ensure that Private Hire and Hackney Carriage services delivered within the City are of a high standard. The application and compliance procedures are designed to ensure that these standards are maintained, monitored for compliance and appropriately enforced.

The sections below apply equally to Private Hire Vehicle and Hackney Carriage drivers unless indicated and the application process is set out in Appendix A.

### **6.1 Fit and proper person**

Licensees are in a position of trust and therefore the Licensing Authority must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This requirement is contained within the 1976 Act (Part II).

The term 'Fit & proper Person' is not legally defined, however, in determining whether a person is fit and proper to hold a licence, the Statutory Guidance recommends that those tasked with determining licences/applications should consider the following question, 'Without 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?'

If, on the balance of probabilities, the answer to the question is 'no' the individual should not hold a licence.

In order to assess suitability of an applicant, the Licensing Authority will undertake relevant checks to ensure that licences are not issued to or used by unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminal record including cautions
- Period of holding a driver's licence
- Number of penalty points on a driver's licence
- Right to work in the UK
- Medical fitness
- Standard of driving/driving ability
- General conduct/standards of behaviour including online behaviour.
- The conduct of the applicant in making the application i.e. whether they have acted with honesty and integrity during the application process.
- The previous licensing history of existing/former licence holders including the reasons for any entry on the NR3S database.
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

The Licensing Authority may also consider information from other relevant sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities, statutory and non-statutory agencies and any entries on the NR3S database. An applicant will be required to provide consent to relevant checks being made with appropriate bodies at the application stage.

An applicant must inform the Licensing Authority of any convictions they have on application and when issued with a licence, the licence holder MUST notify the Council within 7 days of any arrest and release, charge or conviction for any sexual offence, any offence involving dishonesty or violence and ANY motoring offence. Failure to do so may result in the refusal of an application or suspension or revocation of an existing licence.

## **6.2 Application process**

**See Appendix A**

## **6.3 Disclosure and Barring Service (DBS) and DVLA Driver Licence checks**

**See Appendix B**

## **6.4 Relevance of convictions, cautions and warnings etc.**

The Licensing Authority is committed to ensuring that the licensed trade is fit and proper. This will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warnings and reprimands etc. the Licensing Authority has adopted the policy set out in Appendix B. **Page 59**

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Licensing Authority will consider each case on its merits. It will take into account cautions, convictions, reprimands or warnings etc. whether spent or unspent, but only in so far as they are relevant to an application for a licence (in line with the Department for Transport 'Taxi & Private Hire Standards' July 2020).

The policy at Appendix B will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence part way through the licence period.

### **6.5 Topography Test**

Applicants will be required to produce photographic evidence of identification before the test can be commenced. The topography test must be passed and is designed to ensure applicants have sufficient knowledge in relation to the rules, regulations and conditions of licence, locations, the Highway Code and to evaluate literacy and numeracy skills.

As part of this process, applicants will be required to demonstrate that they possess English literacy skills of a standard that would reasonably be expected of a person undertaking the role as a hackney carriage or private hire driver.

The initial application fee will only include the initial test fee and is non-refundable upon failure. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure.

No refund will be provided for any cancellations with less than 24 hour's notice in writing.

### **6.6 Medical Assessment**

Licensed drivers are expected to meet Group 2 Standards of Medical Fitness as applied by the DVLA to licensed lorry/bus drivers.

The Licensing Authority requires applicants and current licensees to undergo medicals through a third-party provider as approved by the Licensing Authority in writing.

The applicant will be responsible for arranging, attending and funding the medical appointment, as well as providing a copy of the medical certificate to the Licensing Authority.

Where there remains any doubt about the fitness of an applicant, the Licensing Authority may revert back to the medical practitioner for further information. The applicant will then be determined on the medical evidence available.

All new applicants are required to have a medical. For renewal applications, you are required to have a medical for the first renewal application made on or after their 45<sup>th</sup> birthday and thereafter every five years until their 65<sup>th</sup> birthday. After their 65<sup>th</sup> birthday a medical will be required every year.

An application will not be accepted/processed unless all elements of the application process have been completed.

No licence shall be issued until medical fitness has been established.

Licence holders must advise the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities as soon as is practicable. Failure to do so could result in suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

The Licensing Authority also reserves the right to request a driver/applicant to produce a medical certificate at any point during the period of the licence. The driver may be required to cover the cost of this. Failure to comply with such a request may result in immediate suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

To provide equity with drivers of other forms of public transport, the Licensing Authority will conduct drug/alcohol/eyesight tests on drivers on an intelligence-led and random basis. Selected drivers and applicants will be expected to either submit to any test deemed appropriate by the Licensing Authority or to attend a medical practitioner chosen by the Council and submit to any test deemed appropriate. Positive test results or failing to comply with the test request may result in a refusal, suspension or revocation of a licence.

Licensed drivers are under a legal duty to carry assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Licensing Authority for an exemption from the requirement on medical grounds. If an application is successful, they will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be exhibited by fixing it facing outwards, either on the windscreen, in a prominent position on the dashboard or on the partition screen. Such an exemption must be reapplied for when the licence is renewed.

### **6.7 Duration of a licence**

The Licensing Authority will normally issue a Combined Hackney Carriage & Private Hire driver's licence for a three-year period. The Licensing Authority does have the discretion to issue licences for a shorter period, if it considers this may be necessary in the circumstances.

### **6.8 Conditions**

The Licensing Authority may attach such conditions to a Combined Hackney Carriage & Private Hire driver's licence as are considered necessary. The Licensing Authority's standard conditions are set out in Appendix D but the Authority may in addition add individual conditions to a licence should it consider it necessary.

Failure to comply with the conditions attached to a licence may result in enforcement action and the licence being reviewed.

### **6.9 Safeguarding**

All new applicants will be required to attend and pass a Safeguarding Vulnerable Passengers training course prior to a licence being granted.

The training will involve attending a session at a location or method designated by the Licensing Authority. At the end of the session, all applicants will be required to pass a test.

Failure to pass the test will result in the applicant re-taking the training session and test at their own cost.

Fees are non-refundable in the event of failure.

### **6.10 Right to work in the UK**

The Licensing Authority requires all applicants to provide documentary evidence to confirm that they can legally work in the UK For example:

- A UK passport confirming that the holder is a British Citizen
- A current passport or another travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment.
- Full UK Birth/Adoption Certificate
- An immigration document issued by the Border and Immigration Agency to the holder which indicates that the named person can stay in the United Kingdom and undertake paid employment.
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This is not an exhaustive list and other documents may be accepted.

**Where a driver is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.**

### **6.11 Driver's responsibility**

The Licensing Authority requires all its drivers to ensure that passengers are safeguarded when being transported in a licensed vehicle. The following are applicable:

- Ensure that they are fit to drive at all times
- Ensure that their vehicle is fit to be driven at all times
- Not to use a vehicle which could put the public at risk
- To remain professional at all times
- To carry their photographic I.D. at all times and wear it in accordance with any conditions of the licence.
- Not to swear or use offensive or inappropriate language.

- Not to behave in a manner that would make passengers feel uncomfortable, intimidated and/or threatened
- Not to misuse personal information obtained whilst working
- Ensure a log is maintained which records all incidents, refusals and accidents involving passengers and is reported to their operator immediately and in any event, before taking the next fare.
- They must inform the Licensing Authority and if applicable the Private Hire Operator of any offences/convictions or arrests.

## Reporting Concerns

If a driver is concerned about the safety, welfare or behaviour of an individual, they should report it to the Police by telephoning 101 (or in an emergency by calling 999) or Crimestoppers.

### 6.12 Drivers hours

There are no direct controls over the hours that hackney carriage/private hire drivers can work. There are, however, limits applicable to drivers of heavy goods vehicles and public service vehicles.

The Licensing Authority is concerned that the number of hours worked by drivers can impact on public safety and encourages drivers to have regard to the limits that are applicable to drivers of heavy goods vehicles and public service vehicles namely:

- An average of 48 hours per week calculated over a 17-week period but up to 60 hours in a single week, providing the 48-hour average limit is maintained.
- Night work limited to 10 hours unless there is an agreement to work longer hours.
- Working between 6 and 9 hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes, and breaks should be at least 15 minutes in duration.

The Licensing Authority recommends that these requirements are used as a guideline to ensure drivers are fit to drive and that public safety remains paramount at all times.

### 6.13 NR3S, NAFN, National Register of Taxi Licence Revocations & Refusals

All applicants will have their details checked against the register and any relevant information taken into account in assessing the application. Where an application is refused, suspended or where a licence is granted but subsequently revoked, this will be entered into the register.

The Licensing Authority provides information to the National register of Taxi Licence Refusals and Revocations (NR3S) which is a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage or Private Hire Vehicle driver's licence revoked, suspended or an application for one refused. This is necessary in assessing whether an individual is a fit and proper person to hold a licence.

Therefore, where a licence is revoked, suspended or an application is refused, the Licensing Authority will automatically record this decision on NR3S.

All applications for a new licence or licence renewal will be checked on NR3S. If a search indicates a match with an applicant, the authority will seek further information about the entry on the register from the licensing authority which recorded it. Any information received as a result of a search on NR3S will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information on NR3S will be limited to;

- Name

- Date of birth
- Address and contact details
- National Insurance number
- Driving licence number
- Decision taken
- Date of the decision
- Date the decision took effect

Information will be retained on NR3S for a period of 25 years.

This is a mandatory requirement when applying for or being granted a Nottingham City Council Combined Hackney Carriage & Private Hire Vehicle driver's licence.

#### **6.14 Designated wheelchair accessible vehicles Section 167 list.**

Nottingham City Council is committed to promoting accessible transport services to all users and to uphold the objectives of the Equality Act 2010.

The Licensing Authority maintains a list of all vehicles designated for the purpose of section 165 of the Equality Act 2010 (Section 167 list) on the Council's website.

The following responsibilities are placed on drivers of Hackney Carriages and Private Hire Vehicles that have been licensed as designated wheelchair accessible vehicles;

- To carry the passenger whilst in a wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such 'mobility assistance' as is reasonable required

What does mobility assistance mean?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger's luggage into and out of the vehicle.

Guide dogs/assistance dogs

Duties are also placed on Hackney Carriage and Private Hire Vehicle drivers when driving a licensed vehicle to carry guide dogs and other assistance dogs under the requirements of the Equality Act 2010, regardless of the designation on the section 167 list.

Refusal to comply with the above duties

Unless a driver has been granted an exemption certificate by Nottingham City Council Licensing Authority on the grounds that they are medically unable to provide the above assistance, then an offence is committed if the duties imposed are not carried out as required. In such instances, the Council will investigate any complaints received about the lack of assisting wheelchair users and/or those accompanied by guide/assistance dogs and will take appropriate enforcement measures in accordance with our Hackney Carriage & Private Hire Vehicle licensing policy.



## **7. Hackney Carriages and Private Hire Vehicles**

### **7.1 Application process**

**See Appendix I.**

### **7.2 Age & specification of vehicles**

In order for a vehicle to be licenced it must comply with the Licensing Authority's Age & Specification policy (Appendix J) and supplementary testers manual (Appendix M).

The specification for Private Hire Vehicles is set out in Appendix K and for Hackney Carriages at Appendix L.

### **7.3 Insurance**

All insurance documents must be shown before a licence is issued by the Licensing Authority. 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
- 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

The Licensing Authority will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

### **7.4 Conditions**

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of Hackney Carriage or Private Hire Vehicle licences.

The Licensing Authority's standard conditions are set out in Appendix E for Private Hire Vehicles and Appendix F for Hackney Carriages. The Licensing Authority also retains the power to add vehicle specific conditions if appropriate.

### **7.5 Identification of vehicles as Private Hire Vehicles or Hackney Carriages**

The Council requires Hackney carriages and Private Hire Vehicles to clearly indicate to the public that they are licensed vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage, types of vehicles together with the colour of the vehicle, can achieve this.

- The exterior colour of all Hackney Carriages must be the manufacturers black with a white vinyl roof and the Council crest in white on both the front doors. Permission may however be given for a Hackney Carriage to display advertising in accordance with the Advertising Policy in Appendix N.
- Plates must be fixed and displayed to the front and rear of the vehicle.

### **Private Hire Vehicles**

- By law, a Private Hire Vehicle must not have the appearance of a Hackney Carriage or have a top sign/light.
- They may display signs on the front doors of the vehicle identifying the operator that they are working for giving the name and contact details and indicating 'Advanced bookings only'.
- The minibus variants of approved Hackney Carriage vehicles, such as the Mercedes Vito, may be licensed as a Private Hire Vehicle but must not be painted in the manufacturers black.

The Council has set standards for the acceptable type of signage for Private Hire Vehicles and Hackney Carriages. These can be found in the Private Hire Vehicle/Hackney Carriage conditions set out in Appendix E for Private Hire Vehicles and Appendix F for Hackney Carriages. They include:

- The permitted position of licence plates
- Positioning of door signs for vehicles
- Required wording for door signs on vehicles
- Requirements for the display of notices in vehicles
- Other notices/markings that the Council will require licensed vehicles to display

### **7.6 Fire extinguishers and First Aid kits**

All vehicles are required to be equipped with a fire extinguisher and First Aid kits that conform to the specification as stated in the Council's conditions.

### **7.7 Accidents**

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Licensing Authority in writing of this fact as soon as possible and in any event within 72 hours. Emails can be sent to [taxi.licensing@nottinghamcity.gov.uk](mailto:taxi.licensing@nottinghamcity.gov.uk)

The vehicle must be presented for inspection to the Council as soon as possible after the accident has taken place. An appointment will be arranged upon notification to the Licensing Authority. Failure to present the vehicle could result in the vehicle's licence being suspended and/or revoked.

The Council may, at any time, request that a vehicle be inspected. The vehicle should not be used for hire or reward until the Licensing Authority has confirmed it is satisfied that the vehicle is fit for use. The licence may be suspended in the interim. If, following a first inspection, it is deemed that the vehicle is not, fit for use and/or, roadworthy then the vehicle licence may be suspended.

If the vehicle is significantly damaged/not roadworthy, or is being assessed by an insurance company, then the vehicle proprietor must inform the Licensing Authority as soon as possible and in any event within 72 hours. In these cases the proprietor should provide photographic or other evidence to justify why the vehicle is unable to be presented for examination. Failure to do so may result in the licence being suspended and/or revoked.

### **7.8 Vehicle examination and testing requirements**

Hackney Carriage and Private Hire vehicles examination and testing requirements are set out in Appendix M.

### **7.9 Meters**

All Hackney Carriages must be fitted with a meter.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.
- In the case of private hire vehicles, any scale of charges which will be provided by the Private Hire operator.

Meters will be checked for accuracy by a measured mile distance or by waiting time.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

Meters in use must not facilitate fraudulent use. Any signs of tampering will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been checked and calibrated by an approved meter company and presented to the Council for inspection.

Private Hire Operators and / or drivers may agree a cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted is the price that must be charged – there is to be no deviation from this price without the agreement of the customer.

On occasions where a price has been not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

### **7.10 CCTV**

It is not the policy of the Licensing Authority to require CCTV to be fitted to a licensed vehicle. If a proprietor wishes to fit CCTV to their vehicle, the system must meet the specifications set out in Appendix R.

### **7.11 Wheelchair accessibility**

All Hackney Carriages are required to be Wheelchair Accessible Vehicles and able to carry the Department of Transport (DFT) designated "reference wheelchair" (a set of dimensions which the DFT have published on their website).

### **7.12 Advertisements**

No advertisements shall be placed on any licensed vehicle without the applicant receiving prior written approval from the Licensing Authority.

An application must be made in writing to the Licensing Authority together with a copy of the advertisement. Further information can be found at Appendix N.

### **7.13 Limousines and executive hire**

A Private Hire Vehicle proprietor may apply in writing to the Licensing Authority for an exemption from displaying external plates in order to carry out executive work.

The external licence plates need not be displayed where the proprietor has declared that their vehicle will **only** be undertaking contracts, which involve contract / executive / corporate activities **only** through a Nottingham City Council Licensed Operator and not general Private Hire work.

Whilst an exemption has been granted for the display of the external licence plates, the internal ID plate will still need to be carried in the boot of the vehicle at all times, and produced on request to **ANY** Authorised Officer or Police Officer. (In the event that the vehicle use is changed for other hire and reward activities, the front and rear external licence plates must be displayed and securely placed on the brackets provided and the Licensing Authority notified with immediate effect).

The letter of exemption must be carried in the vehicle at all times and produced upon request to any Authorised Officer or Police Officer.

### **7.14 Special events vehicles and courtesy cars**

The Council considers the following types of vehicles to be 'special events vehicles' in the context of licensing:

- Decommissioned emergency service vehicles
- Vintage vehicles
- Other non-standard type converted vehicles used for special events

The above list is not exhaustive and other types of vehicle may be considered from time to time. When considering an application for a special event vehicle, the Council will have regard to the general requirements for Private Hire vehicles contained within this policy manual and relevant appendices.

Courtesy cars used for transporting customers to and from specific venues such as hotels and night clubs, whether operated with or without charge to the customer, are considered to be Private Hire vehicles.

These vehicles must be licensed as Private Hire vehicles, driven by Private Hire drivers and the journey must be booked via a Private Hire operator.

### **7.15 Additional provisions for Hackney Carriage vehicles only**

## **Limitation on numbers**

The main aim of the Council's licensing of the Hackney Carriage and Private Hire trade, is the protection of the public. The Council is aware that the public should have reasonable access to hackney carriage and Private Hire services, because of the part they play in local transport provision. Disabled groups are particularly reliant on Hackney Carriages as a means of transport.

Licensing authorities have no power to restrict the number of Private Hire vehicles they licence.

Licensing authorities can however restrict the number of Hackney Carriages which they licence if they are satisfied that there is no significant unmet demand for taxi services in their area. The Licensing Authority currently limits the number of Hackney Carriage Vehicle licences that it will issue to 420. The Authority though it has a legal duty to commission independent periodic surveys of unmet demand and this policy is currently under review.

The Authority also operates a Hackney Carriage Licence Allocation Policy to ensure that the allocation of any available hackney carriage licences in a fair and proportionate manner.. The policy is set out in Appendix Q.

## **8. Fares**

### **8.1 Hackney Carriages**

The Hackney Carriage Table of Fares ('the tariff') is set by the Council and sets the maximum fare that can be charged by Hackney Carriage drivers for journeys within the City which can be negotiated downwards by the hirer for journeys.

The hirer may agree to the fare for a journey, which ends outside the City boundary, being charged other than at the metered rate. The fare must be agreed before the commencement of the journey.

A fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.

The Council will review Hackney Carriage fare scales from time to time in liaison with the Hackney Carriage proprietors. A notice of any variation to the maximum fare shall be advertised by the Council.

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

Drivers must provide written receipts for fares paid if requested by a passenger.

### **8.2 Private Hire vehicles**

The Council is not able to set fares for Private Hire vehicles.

Best practice is to agree the fare prior to the commencement of the journey with the private Hire Operator.

Drivers must provide written receipts for fares paid if requested by a passenger.

## 9. Private Hire Operators

### 9.1 Requirement for a licence

Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority. When an Operator is unable to fulfil a booking due to unforeseen circumstances, it may pass that booking to another Operator to fulfil the commitment providing it is done in accordance with the law.

The term 'operate' is defined at section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles.

Operators play a key role in ensuring that the public are kept safe, that drivers are suitably trained, experienced and supported to deliver a high quality service and to ensure that vehicles are kept in a clean, safe and sound condition at all times.

Whilst it is accepted that operators will have less direct contact with the public than drivers (with the exception of receiving bookings for journeys), to ensure the safety of the public the Licensing Authority must apply similar checks when considering applications for licences. The Licensing Authority must be satisfied that prospective operators are fit and proper persons.

A licensed Private Hire Vehicle must only be despatched to a customer by a Private Hire Operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle in line with the law.

### 9.2. Application process

See Appendix H.

### 9.3. Fitness and propriety of applicants

In determining applications, the statutory test set out at section 55 of the 1976 Act is applicable, namely that the Licensing Authority "*shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence*".

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business.

In order to assess the suitability of an applicant the Licensing Authority will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is fit and proper to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.

In assessing the suitability of an applicant or licence holder, the Licensing Authority will consider the following factors:

- Criminality
- Right to work
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).

In addition, the Licensing Authority may need to verify information or obtain further information from other sources such as the Police, other local authorities, statutory & non-statutory agencies and Boards such as the Children and Adult Safeguarding Board.

The Licensing Authority requires that all operators (all partners/directors) fund, obtain and provide a basic DBS certificate annually if the applicant is not the holder of a current Nottingham City Council Combined

Hackney Carriage & Private Hire driver's licence. If the operator holds a current driver's licence, permission to access the Update Service will be acceptable.

All Operators are required to undertake and maintain evidence of checks that satisfy them that their drivers and/or vehicles are suitable, fit and proper to be used in the course of their business. Failure to ensure that appropriate checks are in place may have an adverse impact the operator's licence.

Examples of checks include:

- Ensuring vehicles are at all times roadworthy;
- Monitoring the conduct of drivers and drawing any concerns to the attention of the Licensing Authority;
- Appropriate complaints handling
- Records of any public safety issues/concerns involving drivers and/or vehicles and the reporting of such concerns to the Licensing Authority
- Good Record keeping (including);
- Driver hours
- Vehicle maintenance
- Vehicle checks
- Training records

#### **9.4. Convictions**

Whilst Operators come into contact with the public less frequently than drivers, they still play a critical role in ensuring the safety of public. In assessing an applicant's fitness and propriety, the Licensing Authority will take into account any convictions or cautions for criminal offences when determining an application.

The effect of any convictions or cautions which are not considered to be 'spent' under the provisions of the Rehabilitation of Offenders Act will all be considered.

A serious view will be taken where there are offences relating to dishonesty, financial impropriety, violence, substance misuse, abuse of a person with a protected characteristic, safeguarding offences or misconduct under taxi and private hire legislation. The Enforcement, Convictions & Fitness policy applicable to drivers will be used as a guideline when considering offences for Operators.

It shall be the duty of the Operator to inform the Licensing Authority of the following:

- Any convictions incurred by them or any partner, director or company secretary during the period of the licence for any offence. They must be reported to the Licensing Authority in writing within 7 days
- Change of address, in writing within 7 days
- Any other changes that could affect the licence
- Any convictions of their employees or agents who hold hackney carriage/private hire vehicle driver's licences. They must be reported to the Licensing Authority in writing within 7 days

Private Hire operators are not identified as an exempt profession under the Rehabilitation of Offenders Act 1974, and therefore the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full.

#### **9.5. Licences**

Any relevant licensing history relating to an applicant or operator will be considered by the Licensing Authority. Where appropriate, further information may be sought from any other relevant body. Consent from the applicant should not be unreasonably withheld.

Where consent is refused a licence will normally be refused.

It shall be the duty of the licensed Operator to ensure that the licences of all vehicles and drivers are valid and current.

The Council will normally issue an Operator's licence for a five-year period.

The Council does have the discretion to issue licences for a shorter period, if it considers this to be necessary in the circumstances.

### **9.6 Safeguarding Vulnerable Passenger Training**

If an applicant for an operator's licence isn't already the holder of a combined driver's licence, then they will be required to attend and pass a Safeguarding Vulnerable Passengers training course prior to a licence being granted.

The training will involve attending a session at a location approved by the Licensing Authority. At the end of the session all applicants will be required to pass a test.

Failure to pass the test will result in the licensee re-taking the training session and exam at their own cost and within a specified amount of time.

The initial test fee may be included in the application fee.

All re-tests will be charged in accordance with the fees set by the Council.

### **9.7 Right to work in the UK**

Please refer to section 6.10

### **9.8 Conditions**

Under section 55(3) of the 1976 Act, the Licensing Authority may attach such conditions to an operator's licence as are believed necessary.

The Licensing Authority's standard conditions which will be attached to all licences issued. are appended at Appendix G. Additional conditions can be attached where deemed appropriate.

Failure to comply with the conditions set out in this document may result in enforcement action and the review of the licence.

### **9.9 Planning permission**

Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc.) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants seek advice from the planning authority prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.

Applicants must note that both planning and licensing requirements must be satisfied prior to the commencement of any operation.

### **9.10 Insurance**

Operators are required to have the relevant insurance policies in place:

- Vehicle;
- Public Liability;
- Employers Liability (where applicable)

### **9.11 Trading names**



Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.

While trading names are a matter for an Operator to determine, the Licensing Authority will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used in connection with the provision of private hire services in the area.

Legally, only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators.

If, however, the operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

Should concerns arise about the suitability of a trading name, in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his application.

### **9.12 Door signs and advertising**

Under the council's standard conditions applying to vehicle licences, all vehicles which are operated by an operator may display that operator's door signs in prescribed positions, at all times. The door signs must be of a design and colour scheme approved by the Council.

A sample or proof of the proposed door sign should accompany an initial application for an operator's licence, or if this is not possible, should be supplied to the Council as soon as practicable following the confirmation of grant of the licence.

A door sign that has not been approved cannot be used on a vehicle. Proofs may be supplied either on paper or electronically. Approval of a design will not be unreasonably withheld, so long as the signage includes the required wording, is of a suitable size, and relates to the operating company's services only, and not to any other product or service.

Please refer to Appendix N for further information.

### **9.13 Complaints/records**

Each Operator shall keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records shall be maintained for the duration of the Licence and should be available at all times for inspection by a Police or authorised Officer.

Complaints involving any element of:

- a. the fitness of a licensed driver to drive; and/or
- b. the driving ability of any licensed driver
- c. the condition of any licensed vehicle

Must be reported to the Councils Licensing Department, in writing, within 48 hours of the complaint being made to the Operator.

### **9.14 Exemption from displaying licence plate**

The Licensing Authority has considered requests from certain operators for their businesses or part thereof to be exempted.

Exemptions are only granted in exceptional circumstances and for specialist businesses, for example, those providing novelty vehicles such as stretch limousines and/or executive chauffeur businesses.

In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria set out in the preceding paragraph. The request must be

accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.

Where exemptions are granted, the Licensing Authority reserves the right to impose additional conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternative.

All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Licensing Authority can no longer be satisfied that the exemption is necessary, or if there is evidence to suggest it is no longer suitable.

The Licensing Authority will not grant exemptions from the signage requirements for hackney carriages.

## **9.15 Duties under the Equality Act 2010**

The Equality Act 2010 places specific duties on Operators to transport passengers accompanied by assistance dogs.

An Operator commits an offence under section 170(1) of the Equality Act 2010 if they fail or refuse to accept a booking for a Licensed Vehicle:-

- (a) if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
- (b) the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.

An Operator commits a further offence under section 170(2) of the Equality Act 2010 if they make an additional charge for carrying an assistance dog which is accompanying a disabled person.

Operators are under a duty to accept bookings from passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

Operators are required to inform their drivers about the best practice when they are conveying disabled passengers with assistance dogs.

Operators should allocate bookings made by passengers accompanied by assistance dogs to drivers who do not hold a medical exemption certificate to exempt them from conveying assistance dogs.

If a driver, who is employed by an Operator or works on behalf of an Operator holds a medical exemption certificate the Operator must ensure the driver:

- Exhibits the medical exemption certificate in the vehicle by fixing it in an easily accessible place (e.g. on the windscreen or in a prominent position on the dashboard)
- Seeks to use a tactile medical exemption certificate so that guide dog owners are able to identify the certificate. This tactile medical certificate should be presented to the guide dog owner upon request.

## **10. Fees**

### **10.1 Fees**

The Licensing Authority reserves the right to review its fees at any time. If varied, a notice of the variation will be published by the Council.

The current fees applicable are available on the Council's website or upon request.

## **11. Communication & information security**

### **11.1 Personal Information**

In the course of their business, operators and/or drivers will be required to process and store various pieces of data, some of which will be personal data.

The processing and storage of this data will fall under the provisions of the Data Protection Act 1998, which will require certain measures to ensure the security of that data, and to prevent unauthorised breaches of the security, or usage of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).

Licensees are required to establish whether they need to register with the Information Commissioner's office as a data controller.

For further information on whether registration is required, please refer to the website of the Information Commissioner's Office, at [www.ico.org.uk](http://www.ico.org.uk).

### **11.2 Radios**

Where a Licensee maintains a radio network for use, the range and/or frequency used by the system may require a business radio licence<sup>1</sup> from Ofcom.

Operators will be asked to confirm whether they have satisfied this requirement on making an application. For further details please visit: <http://licensing.ofcom.org.uk/radiocommunication-licences/business-radio>

### **11.3 CCTV**

No CCTV camera shall be fitted or used in the Hackney carriage unless it meets the Council's Licensed Vehicle CCTV Technical Specification and System Requirements. See Appendix R

## **12. Compliance and enforcement**

### **12.1 Enforcement**

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. The Licensing Authority aims to provide the delivery of efficient, targeted and proportionate regulatory services and as such will monitor its licensees to ensure compliance.

The Enforcement, Convictions & Fitness policy for the Council is attached at Appendix C.

The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition officers will undertake proactive inspections and testing as either day to day activities or programmed operations.

Any breach of the required standards, policies or conditions may lead to suspension and/or revocation of the licence, the issuing of penalty points or prosecution.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have effect immediately.

Once a licence has been suspended or revoked, the licence holder/former licence holder may appeal to the local Magistrates Court in order to challenge the Council's decision. There is no other recourse available to the licence holder/former licence holder, should they wish to have the decision to suspend or revoke their licence reversed.

## **12.2 Driver Improvement Penalty Points Scheme**

The Driver Improvement Penalty Points Scheme (DIPPS) is a non-statutory enforcement tool designed to enable authorised officers to issue penalty points to those drivers licensed by the Council who persistently fail to meet the required standards contained within licensed conditions and licensing legislation.

The aim of the scheme is to improve overall driver compliance with legislation and licence conditions in order to secure overall improvements in driver behaviour, customer service and passenger safety.

The scheme will achieve this by providing drivers with a transparent, incremental enforcement approach for repeated breaches of conditions and other defined standards. The scheme will also enable authorised officers to deal with low level non-compliance.

The DIPPS scheme will not preclude the Council from taking alternative enforcement action at its disposal.

The DIPPS scheme is outlined in Appendix O.

## **12.3 Suspension of licence**

The Council can suspend and/or revoke a licence in accordance with:

1. Section 60(1) Local Government (Miscellaneous Provisions) Act 1976 for vehicle Licences;
2. Section 61(1) Local Government (Miscellaneous Provisions) Act 1976 for driver Licences;
3. Section 62(1) Local Government (Miscellaneous Provisions) Act 1976 for operator Licences.

Notification of any such decision will be provided in writing to those affected.

In situations where there are concerns of public safety with regard to a driver's licence, the Council will consider whether an immediate suspension and/or revocation is necessary in the circumstances. Where a decision is made to suspend and/or revoke with immediate effect, the driver cannot work during any appeal process.

## **12.4 Refusal to renew a licence**

If a decision is taken to refuse to renew a licence and the applicant is not satisfied with the decision then an appeal can be made to the Magistrates Court with 21 days of receiving notification.

## **12.5 Prosecution of licence holders**

The Council may prosecute licence holders for relevant offences having regard to any relevant provision of the Regulator's Code and its General Enforcement Policy.

## **12.6 Appeals**

Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

## 12.7 Service requests and complaints

Members of the public can submit any service requests, complaints and/or concerns about licensed drivers, vehicles and/or operators in writing or by email to the Licensing Section at:

### **Safer Business (Licensing)**

Community Protection  
Nottingham City Council  
Central Police Station  
Byron House  
Maid Marian Way  
Nottingham  
NG1 6HS

[Taxi.licensing@nottinghamcity.gov.uk](mailto:Taxi.licensing@nottinghamcity.gov.uk)

## **Appendix A**

### **Private Hire & Hackney Carriage Driver's Application Procedure**

Nottingham City Council will only issue licences to those applicants that it considers to be 'fit and proper' to hold a licence.

Applicants are expected to act with honest and integrity throughout the application process and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

There is no statutory definition of what constitutes a 'fit and proper' person, however Nottingham City Council will take a number of factors into account and set specific criteria for applicants when considering a licence application. These factors and criteria are detailed below:

1. Applications will only be accepted from applicants that have held a full UK driving licence for at least 12 months.
2. All applicants will be required to attend a safeguarding of children and vulnerable adults awareness briefing session.
3. All applicants will be required to obtain an Enhanced Disclosure Certificate from the disclosure and Barring Service. The contents of this certificate will be assessed in accordance with the Council's policy on convictions in determining the fitness and propriety of the applicant.

Licences will not be granted unless the applicant is able to provide at least 5 years UK address history except in the following cases:

- The applicant is able to provide a document from an EU member state which is the equivalent of a UK issued Enhanced DBS Certificate
- If this cannot be provided then an official document provided by the embassy of a non-EU member state will be acceptable, provided that the document can be verified and is comparable to a UK issued Enhanced DBS certificate

In either case the onus is on the applicant to obtain such a document and the applicant remains liable for all associated costs.

Once it has been issued by the DBS, the Licensing Authority will consider an Enhanced Disclosure Certificate to be valid for a period of three months from the date that it was printed. This is subject to the certificate having been obtained through the Council's licensing service as part of a driver or operator application. The Licensing Authority may accept an Enhanced DBS certificate obtained through another Council's licensing authority at its discretion. The Council reserves the right to request a new Enhanced DBS check should it consider it appropriate to do so.

4. Applicants are required to have passed the Council's topography test. This test will assess the applicant's knowledge in relation to:
  - Conditions of licence
  - Literacy and numeracy
  - Locations and
  - Highway Code.

As part of this process, applicants will be required to demonstrate that they are able to converse orally and in writing in English to a standard that would reasonably expected of a person undertaking a role as a Hackney Carriage or Private Hire driver.

The initial application fee will only include the initial test and is non-refundable upon failure. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure.

5. Applicants are required to satisfactorily complete a driving skills test to Driver and Vehicle Standards Agency standards. Details of the test will be provided to the applicant by the Licensing Office.
6. All applicants must agree to the Council verifying their DVLA driving licence.
7. Applicants whose DVLA driving licence is endorsed with 9 or more penalty points will be required to attend a fact-finding meeting with a designated officer in order that their application to be determined.
8. All new applicants are required to have a medical. For a renewal application the applicant is required to have a medical for the first renewal application on or after your 45<sup>th</sup>, 50<sup>th</sup>, 55<sup>th</sup>, 60<sup>th</sup>, and 65<sup>th</sup> birthday. After your 65<sup>th</sup> birthday you will require a medical every year.
9. In determining whether an applicant is physically and mentally fit to drive a hackney carriage and/or a private hire vehicle, the Licensing Authority will consider the medical report to assess the fitness of the applicant. The Council will also consider any relevant medical evidence of a qualified medical practitioner submitted by the applicant and make take such evidence into account when determining the application.

Applications should be made on the appropriate forms and should include the following:

- Two character references from someone who has known the applicant for a period of at least 5 years.
- A letter from the operator the applicant intends to drive for
- One passport size photograph
- The applicants current driving licence
- The correct fees
- Documents required as part of the DBS check

In certain cases, applications may need to be referred to a designated officer. In these cases, the designated officer will make a decision whether to grant or to refuse a licence. This is usually if the applicant has a conviction, police caution, reprimand or warning on their DBS record, but may also be for other reasons.

Once a licence expires, the applicant will be required to complete the application as if it were for a grant of a licence, i.e. the whole process must be undertaken from the start, regardless of how many years the applicant has held a licence previously.

If a licence is not renewed prior to its expiry, or if a renewal application is received but the application is not determined prior to the expiry of the licence, then that person will no longer be able to lawfully operate as a licensed driver.

### **Right of appeal**

Where an application is refused, the applicant has the right to appeal to the local Magistrates Court within 21 days of notification.

## **Appendix B**

### **Disclosure & Barring Service (DBS) Application Procedure**

A criminal record check on a driver is necessary and deemed an important safety measure. Enhanced disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent



convictions, police cautions and other relevant information that indicates whether a person poses a risk to public safety.

Both Hackney Carriage and Private Hire drivers are deemed as 'exceptions' within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the 'Exceptions Order').

For Private Hire Operators who are NOT drivers, this will be a basic check.

All applicants/licensees will be asked to disclose on their application form all cautions or convictions even if it is spent for other purposes as well as any fixed penalty notices and warnings.

The applicant will be responsible for funding, obtaining and providing the Licensing Authority with a copy of the DBS certificate.

Certificates should be obtained using the Licensing Authorities approved DBS process.

All licence holders shall notify the Licensing Authority of any convictions or cautions, or fixed penalty points received during their licence period. Failure to inform the Licensing Authority of any convictions, cautions and fixed penalty notices during the licensing period may result in the suspension or revocation of their licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate or an online check.

The Licensing Authority requires all drivers to fund, obtain and produce an enhanced DBS or an online check every six months and all the details contained within this will be retained by the Licensing Authority. Licence holders are encouraged to subscribe to the Disclosure and Barring Service Online Update [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service). The Update Service can be used if an application is made for renewal or a six-monthly background check and there has been no changes. If no changes are recorded on the DBS certificate, then a full DBS check will not be required. In all other cases, a full Enhanced DBS check will be required before a licence will be renewed or issued.

The applicant/licence holder must provide consent for the Licensing Authority to undertake checks for their DBS status as and when it is deemed appropriate to do so and failure to do this may result in an application being refused.

It may be necessary for the Licensing Authority to access the Update Service to monitor licence holders to be satisfied that they continue to be fit and proper to hold a licence.

### **Applicants with periods of residency outside the UK**

If an applicant has spent six continuous months or more overseas, the Licensing Authority will need to see evidence of a criminal record check from the country/countries visited during the period that the applicant was abroad.

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy manual, the Licensing Authority will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas.

If the relevant checks cannot be supplied, the Licensing Authority will not be able to grant a driver's licence.

It must be noted that it is the **responsibility** of the driver to submit either their DBS online unique reference number or completed DBS application to the Licensing Authority every six months. Failure to do so may lead to the driver's licence being suspended until such time as the check has been carried out.

### **DVLA Driving Licence Check**

All applicants for and holders of a Combined Hackney Carriage & Private Hire driver's licence, will be required to have a six monthly check of their DVLA Driver Licence record.

A signed mandate will be required as part of the application process.

Any offences disclosed will be dealt with in accordance with the Council's 'Enforcement, Convictions & Fitness policy'.

## **Appendix C**

### **CITY OF NOTTINGHAM**



### **Hackney Carriage and Private Hire**

### **Enforcement, Convictions and Fitness Policy**

#### **1. Introduction**

- 1.1 It is the responsibility of Nottingham City Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty, the Council will consider the safety of the public as its primary consideration. This Policy gives guidance to those exercising the Council's powers in relation to Hackney Carriage and Private Hire

licensing in determining whether or not an applicant or existing licence holder is fit and proper to hold such a licence.

1.2 In the interest of public safety and to safeguard vulnerable persons, the licensing authority seek to ensure:

- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

1.3 The term “Fit and Proper Person” for the purposes of licensing is not legally defined and in assessing whether someone may be “Fit & Proper” the Licensing Authority will consider the following, and take any other relevant information into account:

- Criminality
- Human Rights
- Period of holding a driver’s licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Driving ability test
- The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of drivers hours
- The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process).
- The previous licensing history of existing / former licence holders and any complaints made against them and investigated by any local authority licensing service

In addition, the Council will also consider further information if it is before it from sources such as the Police, Children and Adult Safeguarding Boards and other statutory agencies.

1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver’s licence
- Existing licensed drivers whose licences are being reviewed
- The holders of Private Hire Operators licences
- Licensing officers
- Members of the Regulatory and Appeals Committee
- Magistrates hearing appeals against local authority decisions

1.5 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)]

1.6 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served in prison by the applicant. If the sentence is amended by a court at a later date, then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.

1.7 In this policy information other than convictions will be taken into account and can include but is not restricted to, cautions, warnings, reprimands, fixed penalty notices and driver behaviour.

1.8 In this policy the word 'applicant' refers to either new applicants existing licence holders seeking to renew licences and existing licence holders whose licences are being reviewed.

## 2. General Policy

2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
- b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.2 The Council may depart from this policy if good reasons exist. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances

## 2.3 Outstanding Charges or Summonses

If an outstanding charge or summons involves a serious offence and/or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application should normally be put on hold until proceedings are concluded or the licence may be refused.

## 2.4 Additional information

The Council retains a discretion to take into account any other information relating to an applicant's behaviour, notwithstanding the fact that the matter(s) have not resulted in criminal proceedings.

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

2.6 Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by another local authority, the Council will not normally grant a licence unless sufficient time has passed or circumstances have changed since the revocation took place and the Council is satisfied that the applicant is a fit and proper person

## 3. Powers

3.1 Section 61 and Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence under certain circumstances.

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

3.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence and/or Private Hire Vehicle Operator's licence is a "fit and proper" person to hold such a licence. The authority will consider:

1. How relevant any recorded/reported offence(s) are to the licence being applied for
  - a. How serious the offence(s) are/were
  - b. When the offence(s) were committed

- c. The date of conviction
  - d. Circumstances of the individual concerned
  - e. Sentence imposed by the court
  - f. The applicant's age at the time of conviction
  - g. Whether they form part of a pattern of offending
2. Any other character check considered reasonable (e.g. personal references)
  3. Any other factors that might be relevant, for example:
    - (a) The previous conduct of an existing or former licence holder,
    - (b) Whether the applicant has intentionally misled the council or lied as part of the application process,
    - (c) Information provided by other agencies / council departments,
    - (d) Whether the applicant has been subject to warning/suspension by the Licensing Office.

It may also be appropriate to consider the sentencing powers engaged by the court in disposing of criminal proceedings and Judges reasons for coming to that decision.

3.4 Existing holders of driver's licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions and arrests). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.

3.5 Applicants can informally discuss further what effect a caution/conviction may have on any application or existing licence by contacting the Licensing Service, details of which are available on the Nottingham City Councils website. The Council will not be bound by any advice given and reserve its full powers

3.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense or subscribe to the update service and also at other times as determined by the Council. Where an applicant does not sign up to the DBS update service, they will be required to complete a manual form on an annual basis again at their own expense and also risk a delay in response from the DBS.

3.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.

3.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Section 57(3) Local Government (Miscellaneous Provisions) Act 1976 Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

3.9 The Council is not prohibited from taking offences or other information which is not specifically identified in this Policy into account.

#### **4 Policy on immediate revocation/suspension of driver's licence**

4.1 If the Council decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

4.2 The Council only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. The phrase "interests of public safety" is not defined and is for the Council to determine. However, regard will be had to any risks to public safety arising from concerns about the licence-holder's driving standards, his character including but not limited to dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Council may deem relevant.

4.3 **Before reaching a decision, where practicable, the Council shall give the licence holder the opportunity to make representations as to whether or not the revocation/suspension will have immediate effect.**

4.4 The overriding consideration shall always be the safety and protection of passengers and the general public.

4.5 Matters such as unemployment and home circumstances will not be taken into account when determining whether the revocation or suspension will take place immediately and therefore shall not outweigh the public safety factor.

4.6 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

#### 4.7 Appeals

Any applicant refused a driver's licence, or who has their licence suspended or revoked has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s77)].

### 5. Considerations given to Offences

This section deals with various types of offences and applies to **new and renewal applications**, and upon **review** of a current licence. Although the following sections mainly refer to the "grant" of a licence, references to the period to have passed since the completion of any sentence gives an indication of the seriousness with which the Council is likely to treat the matter and the period the Council would expect to lapse before any subsequent application may be likely to be successful.

#### 5.1 Serious offences involving violence

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

##### 5.1(a) Exploitation

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

1. Slavery
2. Trafficking
3. Child sexual abuse
4. Exploitation
5. Grooming
6. Psychological, emotional or financial abuse
7. Kidnapping or abduction
8. Or any similar offences (including attempted or conspiracy to commit) offences which may replace the above.

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

1. Murder
2. Manslaughter
3. Manslaughter or culpable homicide while driving
4. Terrorism offences
5. Kidnapping or abduction
6. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.3 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below until at least **10 years** have passed since the completion of any sentence:

1. Arson
2. Malicious wounding or grievous bodily harm which is racially aggravated
3. Actual bodily harm which is racially aggravated
4. Grievous bodily harm with intent
5. Robbery
6. Possession of firearm
7. Riot
8. Assault Police
9. Common assault with racially aggravated
10. Violent disorder
11. Threats to kill
12. Resisting arrest

13. Hate crime against a person
14. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below until at least **7 years** have passed since the completion of any sentence:

1. Racially aggravated criminal damage
2. Racially aggravated offence
3. **Hate crime against a person or persons**
4. Hate crime against property
5. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below until at least **10 years** have passed since the completion of any sentence and/or licence period:

1. Common assault/Battery
2. Assault occasioning actual bodily harm
3. Affray
4. S5 Public Order Act 1986 offence (harassment, alarm or distress)
5. S.4 Public Order Act 1986 offence (fear of provocation of violence)
6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
7. Obstruction
8. Criminal damage
9. Harassment
10. Offences involving anti-social behaviour
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

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

5.7 In the event of a licence being granted, despite convictions against the Applicant, a strict warning both verbally and in writing should be administered. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

### 5.8 Possession of a weapon

If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least **7 years** must have passed since the completion of the sentence, before a licence is granted.

### 5.9 Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will **normally be refused a licence upon application, renewal or review**.

Such offences include:

1. Rape
2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
5. Making or distributing obscene material
6. Possession of indecent photographs depicting child pornography.
7. Sexual assault
8. Indecent assault
9. Exploitation of prostitution
10. **Making indecent telephone calls**
11. **Importuning**
12. **Indecent exposure**
13. **Soliciting (kerb crawling)**
14. Any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.10 In addition to the above the licensing authority will **not normally grant a licence** to any applicant who is currently on the Sex Offenders Register or any other similar register.

## 5.11 Dishonesty

A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

5.12 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Offences involving dishonesty include but not limited to:

1. theft
2. burglary
3. fraud
4. benefit fraud
5. handling or receiving stolen goods
6. forgery
7. conspiracy to defraud
8. obtaining money or property by deception
9. other deception
10. taking a vehicle without consent
11. or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.13 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not normally be issued with a licence.

## 5.14 Alcohol and Drugs

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.

5.15 In addition, the applicant will normally be required to show a period of **10 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

5.16 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

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

5.18 Where an applicant has a conviction of 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.

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

## 5.20 Driving offences involving the loss of life

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted if the applicant has a conviction for:

1. Causing death by dangerous driving
2. Causing death by careless driving whilst under the influence of drink or drugs
3. Causing death by driving: unlicensed, disqualified or uninsured drivers
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.21 Before a licence is granted, an applicant should be free of conviction for **10 years** (or at least **10 years** must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:



1. Causing death by careless driving
2. Causing death by driving: unlicensed, disqualified or uninsured drivers.

## 5.22 Driving offences involving alcohol and/or drugs

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. **Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.**

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

5.23 **More than one conviction for this type of offence or one such offence within the last 7 years is likely to merit refusal.**

**In addition, applicants will normally be required to show a period of at least 7 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.**

5.24 Appendix one sets out the traffic offences which may be considered to fall within this section.

## 5.25 Major Traffic Offences

Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within **6 months** prior to the date of the application the application will normally be refused.

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

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

5.28 Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.

5.29 Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.

5.30 Appendix one sets out the traffic offences which may be considered to fall within this section

## 5.31 Minor Traffic Offences

Isolated convictions for minor traffic offences or minor traffic violations may not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. If there are several minor traffic offences an application will normally granted unless there is clear evidence of a minimum 6-month period without offending.

5.32 An application with a points total **above 7** will merit further consideration. A licence will normally be refused where the applicant has **12 or more penalty points** on his DVLA licence for minor traffic offences but has not been disqualified from driving.

5.33 Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.

5.34 Generally, a period of **12 months** free from conviction must have elapsed from the restoration of the DVLA licence.

5.35 Where an existing licence holder is disqualified from driving the licence will normally be revoked by the Head of Service under delegated powers.

5.36 **Using a handheld device whilst driving**

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

5.37 Appendix two sets out the traffic offences which may be considered to fall within this section

### 5.38 Totting Up Disqualifications

5.39 Where a number of traffic offences have resulted in a driver receiving **12 penalty** points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a “totting-up” disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between **12 months and 2 years** has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.

5.40 Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

### 5.41 Hybrid traffic offences

Offences of the type listed in **Appendix 3** will be treated as **major** traffic offences if the court awarded **4** or more penalty points for the offence and as **minor** traffic offences if the court awarded **3** or less penalty points for the offence.

5.42 Any applicant who has committed an offence of plying for hire within 6 months of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence may be revoked or not granted. Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle in line with 5.43 below. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

### 5.43 Insurance Offences

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided the applicant has been free of conviction for **3 years**. However, strict warning should be given as to future behaviour. More than one of these offences would normally prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be prevented on its merits.

5.44 At least **3 years** should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a HC or PH driver's licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operator's licence revoked immediately and prevented from holding a licence for **3 years**.

### 5.45 Breach of Traffic Regulation Order (TRO); pedestrianised areas or restricted area

5.46 There is a significant issue in relation to drivers breaching TROs in Nottingham, especially in relation to driving over/parking up on pedestrianised areas and other restricted areas. This poses a safety risk to the public and demonstrates a disregard for the law and regulation. On this basis a robust approach is taken, and any licensed driver found in breach of any TRO or found to be in a pedestrianised or restricted area will normally be subject to the following minimum sanctions:

- First breach 2 weeks suspension, minimum
- Second Breach 4 weeks suspension, minimum
- Third Breach revocation of Hackney Carriage/Private Hire Drivers licence on the grounds of no longer constituting a fit and proper person.

5.47 Any driver to which one of the above sanctions is imposed will not normally have a subsequent application granted unless there is clear evidence of a minimum 12-month period without offending.

5.48 A map showing restricted areas is available from the Licensing Officer and can also be viewed on the Nottingham City Council website

5.49 Where a breach of TRO is reported to the Licensing Officer:

- We will write to the driver with details of the breach and make a decision based on the evidence before us.
- The driver will then be given an opportunity to request an interview to put their case forward. The onus will be on the driver to contact the officer within 7 days of our dated letter to arrange an interview.

- Following the interview, a decision will be made and the driver written to with the final outcome.
- The driver will then have 21 days right to appeal to the Magistrates' Court.

#### **5.50 The Driver Improvement Penalty Point Scheme**

The Council is considering the implementation of a Driver Improvement Penalty Point Scheme (DIPPS). If adopted, this will form an additional policy to this document designed to set the standards expected of drivers by Nottingham City Council. Failure to adhere to the DIPPS policy could also result in the review and/or suspension or revocation of a driver's licence.

### **6. GUIDELINES RELATING TO MEDICAL CONDITIONS**

#### **6.1 Medical Checks**

6.2 In order to meet the "fit and proper" test Licence holders must also be physically and mentally fit to drive a hackney carriage or private hire vehicle. In determining this, the Licensing Authority will have regard to a medical report and may also consider any relevant medical evidence from a qualified medical practitioner.

6.3 The Council requires applicants to pass a Group 2 medical standard examination as set by the Driver and Vehicle Licensing Authority (DVLA). This examination is undertaken on initial application and when licence holder reaches 45 years, 50 years, 55 years, 60 years, 65 years and then annually thereafter. Applicants who fail the examination will normally be refused a licence until the medical examination is passed. Where an existing licence holder develops a medical condition which means they will not meet the Group 2 medical standard, the licence will normally be revoked or refused.

## Appendix One

### MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
  
- BA10 Driving while disqualified by order of court
- BA30 Attempting to drive while disqualified by order of court
- BA40 Causing death by driving while disqualified
- BA60 Causing serious injury by driving while disqualified
  
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink \*
- CD50 Causing death by careless driving when unfit through drugs \*
- CD60 Causing death by careless driving with alcohol level above the limit \*
- CD70 Causing death by careless driving then failing to supply a specimen for analysis \*
- CD80 Causing death by careless or inconsiderate driving \*
- CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers \*
  
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle \*
- DD80 Causing death by dangerous driving \*
- DD90 Furious driving
- DG60 Causing death by careless driving with drug level above the limit\*

**The above offences marked \* are dealt with in the section entitled driving offences involving the loss life**

- DR10 Driving or attempting to drive with alcohol level above limit +
- DR20 Driving or attempting to drive while unfit through drink +
- DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
- DR40 In charge of a vehicle while alcohol level above limit +
- DR50 In charge of a vehicle while unfit through drink +
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR61 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +
- DR70 Failing to provide specimen for breath test +
- DR80 Driving or attempting to drive when unfit through drugs +
- DR90 In charge of a vehicle when unfit through drugs +
- DG10 Driving or attempting to drive with drug level above the specified limit
- DG40 In charge of a vehicle while drug level above the specified limit

**The above offences marked + are dealt with in the section entitled alcohol and drugs**

- IN10 Using a vehicle uninsured against third party risks
  
- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds
  
- MS50 Motor racing on the highway

UT50 Aggravated taking of a vehicle

TT99 signifies a disqualification under the totting up procedure 12 or more points within three years

## Appendix Two

### MINOR TRAFFIC OFFENCES

CU10 Using vehicle with defective brakes

CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition

CU30 Using a vehicle with defective tyre(s)

CU40 Using a vehicle with defective steering

CU50 Causing or likely to cause danger by reason of load or passengers

CU80 Using a mobile phone while driving a vehicle

MS10 Leaving a vehicle in a dangerous position

MS20 Unlawful pillion riding

MS30 Play street Offences

MS40 Driving with uncorrected defective eyesight or refusing to submit to a test

MS60 Offences not covered by other codes

MS70 Driving with uncorrected defective eyesight

MS80 Refusing to submit to an eyesight test

MS90 Failure to give information as to the identity of driver etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations

PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle

PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

SPI0 Exceeding goods vehicle speed limit

SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)

SP30 Exceeding statutory speed limit on a public road

SP40 Exceeding passenger vehicle speed limit

SP50 Exceeding speed limit on a motorway

SP60 Undefined speed limit offence

TS10 Failing to comply with traffic light signals

TS20 Failing to comply with double white lines

TS30 Failing to comply with a "Stop" sign

TS40 Failing to comply with direction of a constable/ warden

TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)

TS60 Failing to comply with school crossing patrol sign

TS70 Undefined failure to comply with a traffic direction sign

## HYBRID TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
  
- SPI0 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence

Other non endorsable motoring offences i.e. no MOT

### NOTE:

All offences in Appendix One to Three may also the following codes

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

### Appendix D

1. **DEFINITIONS**

“**Authorised Officer**” means an officer authorised in writing by the Council for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976

“**City**” means the City of Nottingham.

“**The Council**” means Nottingham City Council

“**Driver**” means the holder of this licence

“**Hackney Carriage**” means a hackney carriage licensed by the Council under section 37 of the Town Police Clauses Act 1847.

“**Operator**” means a person who makes provision for the invitation or acceptance of bookings for a Private Hire Vehicle licensed under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 and “**Operation**” means in connection with the invitation, acceptance and carrying out of bookings by an Operator

“**Plate**” means the plate issued by the Council for the purpose of identifying the Vehicle as a Private Hire Vehicle or hackney carriage.

“**Private Hire Vehicle**” means a Private Hire Vehicle licensed by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“**Proprietor**” means the person(s) or body named on the licence for the Vehicle as the proprietor of the Private Hire Vehicle and includes part proprietors and, in relation to a Vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the Vehicle under that agreement.

“**Vehicle licence**” means a Hackney Carriage licence issued by the Council under section 37 of the Town Police Clauses Act 1847 or a Private Hire Vehicle licence issued by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“**Vehicle**” means the Hackney Carriage or Private Hire Vehicle being driven by the holder of this licence

2. **CONDUCT OF DRIVER**

The Driver must:

- (a) Afford all reasonable assistance with passenger’s luggage.
- (b) Be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
- (c) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the Vehicle driven by him.
- (d) **Not smoke/vape/e-cig in the Vehicle at any time, nor allow any other person to do so, nor carry out or permit such conduct in such proximity to the Vehicle so as to permit smoke or vapour to enter it.**
- (e) Not drink or eat in the Vehicle whilst it is hired.
- (f) Not, without the express consent of the hirer, play any radio or sound reproducing equipment in the Vehicle other than for the purpose of sending or receiving messages in connection with the Operation of the Vehicle.
- (g) At no time cause or permit the noise emitted by any radio or sound reproducing equipment in the Vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the Vehicle.
- (h) Not use the horn to alert a customer on arrival.
- (i) **Not use an electronic handheld device in the Vehicle whilst it is being driven.**
- (j) Report all accidents involving the Vehicle to the Council by completing and lodging an accident form, within 72 hours of the accident.
- (k) The Driver shall not behave in any discriminatory or provocative manner and shall not engage in any conversation with their passengers of a private, personal or sexual nature.

- (l) The Driver shall when in another council's area, answer any reasonable questions and/or produce documents in relation to the Driver and Vehicle as requested by an authorised officer of that council.

### 3. **LOST PROPERTY**

Any property left in the Vehicle shall if not reclaimed, be taken by the Driver to Central Police Station, Nottingham within 24 hours of being found.

### 4. **PASSENGERS**

- (a) The Driver must not convey or permit to be conveyed in a Private Hire Vehicle or a Hackney Carriage a greater number of persons than that prescribed in the licence for the Vehicle. (Children under the age of 3 years and seated on an adults' lap in the rear of the Vehicle shall not be counted for this purpose).
- (b) The conveying of children under the age of 10 years shall only be permitted as follows: -
  - (i) There must be sufficient room to allow each passenger to be seated.
  - (ii) No such child shall be conveyed in the front of the vehicle.
- (c) The Driver must not allow more than one passenger to be conveyed in the front of the Private Hire Vehicle, unless a seating plan has been obtained from the Licensing Department which permits the Vehicle to carry 8 passengers, 2 of which are in the front passenger seats.
- (d) . No passengers may sit in any front seats of a Hackney Carriage.
- (e) The Driver shall not without the consent of the hirer of the Private Hire Vehicle convey or permit to be conveyed any other person in the vehicle.
- (f) The Driver may, at his/her discretion, convey passengers' animals or pets in the rear of the vehicle only, provided that this restriction does not apply to assistance dogs.

### 5. **WRITTEN RECEIPT**

The Driver must if requested by the hirer provide the hirer with a written receipt of the fare paid.

### 6. **CHANGE OF ADDRESS**

The Driver shall notify the Council in writing as soon as reasonably practicable but in any event within 7 days of any change of his/her address.

### 7. **CONVICTIONS**

The holder of this licence shall as soon as reasonably practicable but in any event within 7 days of the occurrence of any of the events listed below notify and provide full details of the event to the Council in writing: -,

- a) Any conviction
- b) Receipt of any caution (issued by the police or any other agency).
- c) Receipt of a Magistrate's Court summons or other form of charge.
- d) Receipt of a fixed penalty notice for any matter.
- e) Receipt of a formal warning, order or injunction, including Criminal Behaviour Orders or similar.
- f) Arrest for any offence (whether or not charged).

### 8. **MEDICAL CONDITIONS**

- (a) Where the Driver is under a duty to notify DVLA of any medical condition which may affect safe driving, or where their GP has advised them not to drive the Driver shall notify the Council, of such condition as soon as reasonably practicable and in any event within seven days.
- (b) The Driver shall comply with any request of an Authorised Officer to undertake a medical examination with the Council's occupational health representative in order to satisfy the Council that they are safe to undertake public transport duties. An original copy of the medical examination certificate shall be presented to the Council as soon as reasonably practicable and in any event within seven days of such examination.



9. **DISPLAY OF INFORMATION**

- a) The Driver shall not obscure any information and signage required to be displayed in the Vehicle.
- b) The driver shall ensure that their dashboard badge is clearly displayed in clear view of passengers at all times when working.

10. **METERS**

If the Private Hire Vehicle being driven is fitted with a meter

- (i) The Driver must ensure that when the Vehicle is not undertaking a hired journey, no fare is recorded on the face of the meter.
- (ii) On commencement of the journey, the Driver must bring the meter into action and keep the meter in action until the termination of the hiring.
- (iii) The Driver must cause the meter to be properly illuminated throughout any part of the hiring, which is during the hours of darkness, and at any other time, if requested to do so by the hirer of the vehicle.
- (iv) The Driver must not charge a fee higher than that displayed on the meter at the termination of the journey.

11. **WORKING FOR MULTIPLE OPERATORS**

Where the Driver proposes to operate for more than one Operator, they shall;

- i) provide the Council with a signed offer of work letter from each Operator they propose to work for prior to the commencement of such work with the Operator.
- ii) give 7 days prior notification to the Council when
  - a) commencing work as a Private Hire Vehicle Licensed Driver for the second or subsequent Operator
  - b) ceasing work as a Private Hire Vehicle Licensed Driver for an Operator but if such work is commenced or ceased on fewer than 7 days' notice the driver shall comply with i) or ii) above within 24 hours of commencing/ceasing such work.
- iii) provide each operator they work for with copies of their Private Hire Driver Licence together with the Private Hire Vehicle Licence certified by the Council. The costs of the Council in providing certified copies shall be borne by the driver.
- iv) ONLY display the side panel for one Operator on the vehicle at any given time that being the Operator with whom the specific hiring is booked.

**NOTE**

These conditions are additional to the statutory requirement imposed upon proprietors by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and byelaws made by the Council.

A copy of the Town Police Clauses Act 1847 byelaws is attached for hackney carriage drivers

**PENALTIES**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and liable on summary conviction to a fine. In addition, such action whether or not resulting in criminal proceedings being taken may lead to the suspension or revocation of an existing licence or the failure to renew such a licence.

**DRIVERS RESPONSIBILITY**

Nottingham City Council, **Commercial & Operations**, Licensing, Byron House,  
Maid Marian Way, Nottingham NG1 6HS

Website: [www.nottinghamcity.gov.uk/taxi](http://www.nottinghamcity.gov.uk/taxi)  
Email: [taxi.licensing@nottinghamcity.gov.uk](mailto:taxi.licensing@nottinghamcity.gov.uk)

## Appendix E

# NOTTINGHAM CITY COUNCIL CONDITIONS FOR PRIVATE HIRE PRIVATE HIRE VEHICLE LICENCE

## 1. DEFINITIONS

“**Authorised Officer**” means an officer authorised in writing by the Council for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976

“**City**” means the City of Nottingham.

“**The Council**” means Nottingham City Council

“**Drivers Licence**” means a licence to drive a Private Hire Vehicle granted under the provisions of the Local Government (Miscellaneous Provisions) Act 1976

“**Operator**” means a person who makes provision for the invitation or acceptance of bookings for a Private Hire Vehicle licensed under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 and “**Operation**” means in connection with the invitation, acceptance and carrying out of bookings by an Operator

“**Plate**” means the plate issued by the Council for the purpose of identifying the Vehicle as a Private Hire Vehicle or hackney carriage.

“**Private Hire Vehicle**” means a Private Hire Vehicle licensed by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“**Proprietor**” means the person(s) or body named on the licence for the Vehicle as the proprietor of the Private Hire Vehicle and includes part proprietors and, in relation to a Vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the Vehicle under that agreement.

## **2. MAINTENANCE OF PRIVATE HIRE VEHICLES**

- (a) The Private Hire Vehicle and all its fittings and equipment must at all times, when the Private Hire Vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition. In particular all data units, radios, Personal Digital Assistants or any other equipment installed in the Private Hire Vehicle must be affixed to the Private Hire Vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.
- (b) The interior of the Private Hire Vehicle must be kept clean and tidy at all times when the Private Hire Vehicles is in use or available for private hire work. The exterior of the vehicle shall, so far as is reasonably practicable be kept clean at all such times, having due regard to the weather conditions on the day
- (c) Once a Private Hire Vehicle has been inspected by the Council’s approved MOT station, and a licence has been granted, it must be maintained in that form and condition. No change in the specification design or appearance of the Private Hire Vehicle, or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from Licensing.

## **3. PLATES**

- (a) The Plate remains the property of the Council, and must be fixed to the vehicle, in accordance with the instructions of an Authorised Officer, at the cost of the proprietor, in such a manner as to be easily removable by an Authorised Officer or constable.
- (b) The Private Hire Vehicle shall display the front Plate, rear Plate and interior Plate issued by the Council throughout the duration of the licence
- (c) The interior Plate shall be clearly displayed and maintained inside the Private Hire Vehicle in such a position as to be visible to passengers at all times.
- (d) The driver’s dashboard badge must be clearly displayed at all times whilst working, ensuring it is in clear view of the rear passengers.
- (e) . The Proprietor must apply in writing to the Licensing Department if they wish to carry out contract or executive work only and to have exemption from displaying Plates on their Private Hire Vehicle. The letter of exemption and Plates for the Private Hire Vehicle shall be stored in the Private Hire Vehicle at all times.

## **4. PASSENGERS**

- (a) The Driver must 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. (Children under the age of 3 years and seated on an adults’ lap in the rear of the Private Hire Vehicle shall not be counted for this purpose.
- (b) The conveying of children under the age of 10 years shall only be permitted as follows: -
  - (iii) There must be sufficient room to allow each passenger to be seated (children under the age of 3 years and seated on an adult’s lap in the rear of the Private Hire Vehicle shall not be counted for this purpose.
  - (iv) No child shall be conveyed in the front of the Private Hire Vehicle.
  - (v) In any Private Hire Vehicle where there is a rear triple seat, two children may be seated in place of, and counted as, one adult for the purpose of paragraph (a) of this condition provided that at all times the total number of such children conveyed does not exceed four and that there is no breach of sub-paragraph (i) above.
- (c) The Driver must not allow more than one passenger to be conveyed in the front of the Private Hire Vehicle, unless a seating plan is obtained to carry 8 passengers, 2 of which are in the front seats.

- (d) The driver must not without the consent of the hirer of the Private Hire Vehicle convey or permit to be conveyed any other person in the Private Hire Vehicle.
- (e) The driver may, at his/her discretion, convey passengers' animals or pets only in the rear of the Private Hire Vehicle only, provided that this restriction does not apply to assistance dogs.
- (f) The driver must convey guide/assistance dogs, unless in possession of a certificate of exemption obtained from the Council.
- (g) A serious view will be taken of any discriminatory behaviour. This may lead to the prosecution of the driver and suspension/revocation of his/her licence.
- (h) The driver must be conscious of concerns that women or children may have about being alone with someone they do not know, or only have limited knowledge of. The driver must not ask any personal questions regarding the passenger's private life or personal relationships.

## 5. **CONVICTIONS**

The driver must, within seven days, disclose to the Council in writing details of any conviction incurred by him/her during the period of the licence, giving full details of:

- (a) Any conviction.
- (b) Receipt of any caution (issued by the police or any other agency).
- (c) Receipt of a Magistrate's Court summons against them.
- (d) Receipt of a fixed penalty notice for any matter.
- (e) Receipt of a formal warning, order or injunction, including Criminal Behaviour Orders or similar.
- (f) Their arrest for any offence (whether or not charged).

## 6. **INSURANCE**

The proprietor must maintain in force, throughout the licence period, in relation to the use of the Private Hire Vehicle as a Private Hire Vehicle, a policy of insurance for covering the Private Hire Vehicle for hire and reward and complying with the requirements of Part VI of the Road Traffic Act 1972. Such policy shall be produced as soon as reasonably practicable and in any event within 7 days of the request of an Authorised Officer.

## 7. **RADIO**

The proprietor must ensure that any radio equipment fitted to the taxi is at all times kept structurally and mechanically sound and maintained in proper working order.

## 8. **NO SIGNS ON PRIVATE HIRE VEHICLE**

No sign, advertisement or operator livery shall be displayed on the Private Hire Vehicle unless approved by the Council in writing.

## 9. **SIDE PANEL/ LIVERY**

- (a) The driver must ONLY display the side panel for one operator on the vehicle at any given time that being the operator with whom the specific hiring is booked.
- (b) The driver must not alter or tamper with the side panels in any way.

## 10. **PRIVATE HIRE DRIVERS**

- a) The Proprietor must not in the City employ or use any person as the driver of the Private Hire Vehicle for the purpose of any hiring, or permit any other person to act as the driver of the Private Hire Vehicle for the purpose of any hiring unless the person concerned has a current private hire driver's licence issued by the Council.

- b) If the proprietor permits or employs any other person to drive the Private Hire Vehicle as a Private Hire Vehicle, he must, before that person commences to drive the Private Hire Vehicle cause the driver to deliver his Private Hire Vehicle driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the Private Hire Vehicle or any other Private Hire Vehicle belonging to the proprietor.
- c) The proprietor must keep a list of drivers available for inspection by an authorised officer.

**11. DEPOSIT OF LICENCES WITH PRIVATE HIRE OPERATOR**

This licence and all appropriate driver's licences must be delivered to, and deposited with, the Operator of the Private Hire Vehicle.

**12. DETAILS TO BE REPORTED**

- (a) The proprietor must report an accident to Licensing, by completing an accident report form, within 72 hours of said accident.
- (b) The proprietor must notify Licensing of a change of address, in writing, within 7 days.
- (c) The proprietor must report any plates that are lost or stolen, to Licensing, within 72 hours.
- (d) The proprietor must notify Licensing of a transfer of ownership, in writing, within 7 days.

**13. CCTV**

No CCTV camera shall be fitted or used in the Hackney carriage unless it meets the Council's **Licensed Vehicle CCTV Technical Specification and System Requirements**

**NOTE**

These conditions are additional to the statutory requirement imposed upon proprietors by the Local Government (Miscellaneous Provisions) Act 1976.

**PENALTIES**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and liable on summary conviction to a fine. In addition, such action whether or not resulting in criminal proceedings being taken may lead to the suspension or revocation of an existing licence or the failure to renew such a licence.

Nottingham City Council, **Commercial & Operations**, Licensing, Byron House,  
Maid Marian Way, Nottingham NG1 6HS

Website: [www.nottinghamcity.gov.uk/taxi](http://www.nottinghamcity.gov.uk/taxi)  
Email: [taxi.licensing@nottinghamcity.gov.uk](mailto:taxi.licensing@nottinghamcity.gov.uk)

## APPENDIX F

### NOTTINGHAM CITY COUNCIL CONDITIONS FOR HACKNEY CARRIAGE VEHICLE LICENCES

#### 1. DEFINITIONS

“**Authorised Officer**” means an officer authorised by the Council in writing, for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976

“**City**” means the City of Nottingham.

“**The Council**” means Nottingham City Council

“**Drivers Licence**” means a licence to drive a Hackney Carriage granted under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

“**Hackney Carriage**” means a hackney carriage licensed by the Council under section 37 of the Town Police Causes Act 1847.

“**Plate**” means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage.

“**Proprietor**” means the person or persons or body named in this licence as the proprietor of the Hackney Carriage and includes part proprietors and in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.

#### 2. MAINTENANCE OF VEHICLES

(d) The Hackney Carriage and all its fittings and equipment must be kept in an efficient, safe, tidy and clean condition at all times, when the vehicle is in use or available for hire. In particular all data units, radios, Personal Digital Assistants or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, as so as to prevent injury or harm to the driver or passengers.

(e) The interior of the vehicle shall be kept clean and tidy at all times when the vehicles is in use or available for hire. The exterior of the vehicle shall, so far as is reasonably practicable be kept clean at all such times, having due regard to the weather conditions on the day. Page 102

(f) No alterations or change shall be made to the specification design or appearance of the Hackney carriage, nor any addition of body work accessories during the duration of this licence without the prior written consent of the Council.

3. **PLATE**

- (f) The Plate remains the property of the Council, and must be fixed to the vehicle, in accordance with the instructions of an Authorised Officer, at the cost of the proprietor, in such a manner as to be easily removable by an Authorised Officer or constable.
- (g) The Hackney Carriage shall display the front Plate, rear Plate and interior Plate issued by the Council throughout the duration of the licence.
- (h) The interior Plate shall be clearly displayed and maintained inside the Hackney Carriage in such a position as to be visible to passengers at all times.
- (i) The driver's dashboard badge must be clearly displayed at all times whilst working, on the partition of the vehicle, ensuring it is in clear view of the rear passengers.

4. **PASSENGERS**

- (i) The driver must not convey or permit to be conveyed in a Hackney Carriage a greater number of persons than that prescribed in the licence for the vehicle. (Children under the age of 3 years and seated on an adults lap in the rear of the vehicle shall not be counted for this purpose.
- (j) The conveying of children under the age of 10 years shall only be permitted as follows:-
- (vi) There must be sufficient room to allow each passenger to be seated (children under the age of 3 years and seated on an adults lap in the rear of the vehicle shall not be counted for this purpose.
- (vii) No child shall be conveyed in the front of the Hackney Carriage.
- (viii) In any Hackney Carriage where there is a rear triple seat, two children may be seated in place of, and counted as, one adult for the purpose of paragraph (a) of this condition provided that at all times the total number of such children conveyed does not exceed four and that there is no breach of sub-paragraph (i) above.
- (k) The driver must not allow any passengers to be conveyed in the front of the Hackney Carriage.
- (l) The driver must not without the consent of the hirer of the Hackney Carriage convey or permit to be conveyed any other person in the vehicle.
- (m) The driver may, at his discretion, convey passengers' animals or pets only in the rear of the vehicle.
- (n) The driver must convey guide/assistance dogs, unless in possession of a certificate of exemption from the Council.
- (o) A serious view will be taken of any discriminatory behaviour. This may lead to the prosecution of the driver and suspension/revocation of his/her licence.
- (p) The driver needs to be conscious of concerns that women or children may have about being along with someone they do not know or only have limited knowledge of. The driver must not ask any personal questions regarding the passenger's private life or personal relationships.

6. **LOCAL SERVICES**

Whilst operating as a Hackney Carriage under this licence, the proprietor must not allow any sign to be displayed which may indicate that the Hackney Carriage is operating a "local service" under section 12 of the Transport Act, 1985.

7. **SHARED SERVICES**

Whilst operating as a taxi under this licence, the proprietor must not allow any sign to be displayed which may indicate that the Hackney Carriage is operating a "shared service" under a scheme made under section 10 of the Transport Act 1985.

The driver must, within seven days, disclose to the Council in writing details of any conviction incurred by him/her during the period of the licence, giving full details of:

- a) Any conviction.
- b) Receipt of any caution (issued by the police or any other agency).
- c) Receipt of a Magistrate's Court summons or other form of charge
- d) Receipt of a fixed penalty notice for any matter
- e) Receipt of a formal warning, order or injunction, including Criminal Behaviour Orders or similar.
- f) Arrest for any offence (whether or not charged).

9. **INSURANCE**

The Proprietor shall maintain in force, throughout the licence period, a policy of insurance for covering the vehicle for immediate hire and reward and complying with the requirements of Part VI of the Road Traffic Act 1972. Such policy shall be produced as soon as reasonably practicable and in any event within 7 days of the request of an Authorised Officer.

10. **RADIO**

The proprietor shall ensure that any radio equipment fitted to the Hackney Carriage is kept mechanically and structurally sound and maintained in proper working order at all times.

11. **HACKNEY CARRIAGE METERS**

The Hackney Carriage shall be fitted with a Hackney Carriage meter constructed, fitted and maintained in accordance with the requirements of the Council.

12. **SIGNS**

- (a) The Hackney Carriage shall be fitted with a sign on the roof bearing the words "for hire" or "Taxi" on the front. The sign shall be capable of being switched on internally so that it is illuminated when the Hackney Carriage is "for hire" and not so illuminated otherwise.
- (b) No other signs or advertisement shall be displayed unless approved by the Council in writing.

13. **FARE CARDS**

The fare card showing the approved rate of charge shall be displayed in a prominent position inside the Hackney Carriage where it can be easily seen and shall be maintained in a clean and legible state and shall not be altered or defaced.

14. **HACKNEY CARRIAGE DRIVERS**

- (a) If the Proprietor permits or employs any other person to drive the Hackney Carriage, he shall , obtain that person's Driver's Licence for retention until such time as the driver ceases to drive the Hackney Carriage or any other Hackney Carriage belonging to the Proprietor
- (b) The Proprietor shall not permit or employ any person as a driver of the Hackney Carriage unless that person has a current Driver's Licence issued by the Council.

15. **DETAILS TO BE REPORTED**

The Proprietor shall: -

- a) Report all accidents involving the Vehicle to the Council by completing and lodging an accident form, within 72 hours of the accident notify the Council of a change of address, in writing, within 7 days.



- b) The proprietor must report any plates that are lost or stolen, to Licensing within 72 hours.
- c) The proprietor must notify Licensing of a transfer of ownership, in writing, within 7 days.

16. **CARD MACHINE**

- a) The Hackney Carriage shall be fitted with a card payment machine to accept debit/credit cards & contactless card payments.
- b) The card payment machine shall be fitted in such as manner so that the card machine is always in a prominent view to the customer.
- c) The proprietor shall ensure that the card payment machine fitted to the Hackney Carriage is kept structurally and mechanically sound and maintained in proper working order at all times.
- d) Signage shall be prominently displayed in the Hackney carriage to inform the customer that payment can be made by a credit/debit card.

17. **CCTV**

No CCTV camera shall be fitted or used in the Hackney carriage unless it meets the Council's Licensed **Vehicle CCTV** Technical Specification and System Requirements

**NOTE**

These conditions are additional to the statutory requirement imposed upon proprietors by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and byelaws made by the Council.

**PENALTIES**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and liable on summary conviction to a fine. In addition, such action whether or not resulting in criminal proceedings being taken may lead to the suspension or revocation of a licence or the failure to renew such a licence.

Nottingham City Council, **Commercial & Operations**, Licensing, Byron House,  
Maid Marian Way, Nottingham NG1 6HS

Website: [www.nottinghamcity.gov.uk/Hackney Carriage](http://www.nottinghamcity.gov.uk/Hackney%20Carriage)  
Email: [Hackney Carriage.licensing@nottinghamcity.gov.uk](mailto:Hackney%20Carriage.licensing@nottinghamcity.gov.uk)

Appendix G

**NOTTINGHAM CITY COUNCIL  
CONDITIONS FOR PRIVATE HIRE OPERATORS' LICENCE**

1. **DEFINITIONS**

“the **Act**” means the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

“**Authorised Officer**” means an officer authorised in writing by the Council for the purposes of purpose of these conditions Part II of the Local Government (Miscellaneous Provisions) Act 1976

“**City**” means the City of Nottingham.

“the **Council**” means Nottingham City Council

“**Drivers Licence**” means a private hire drivers licence issued by the Council under the Act.

“**Operate**” means to make provision for the invitation, acceptance and carrying out of bookings for a Private Hire Vehicle and “Operates” “Operated” and “Operation” shall be construed accordingly

“**Operator**” means a person who makes provision for the invitation or acceptance of bookings for a private hire vehicle licensed under section 55 of the Act.

“**Plate**” means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle or hackney carriage.

“**Private Hire Vehicle**” means a private hire vehicle licensed by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“**Proprietor**” means the person(s) or body named on the Vehicle Licence as the proprietor of the Private Hire Vehicle and includes part proprietors and, in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.

“**Vehicle Licence**” means a Private Hire Vehicle licence issued by the Council under the Act.

2. **RECORDS**

(a) A record shall be kept in a paginated book or by use of a suitable computer programme of the following particulars in respect of every booking invited or accepted: -.

(m) The name of the passenger

(n) The name of the hirer

(o) The hirers contact telephone number and/or email address

(p) The method in which the booking was made i.e. telephone, electronic means or in person.

(q) The time and date of the booking.

(r) The pick-up point.

(s) The time of pick up.

(t) The destination (which may be recorded electronically at the conclusion of the journey using GPS tracking).

- (u) The name of the driver
  - (v) The driver's licence number
  - (w) The vehicle registration number
  - (x) Whether the booking was accepted from the hirer or at the request of another Operator
  - (y) The name of any individual that responded to the booking request
  - (z) The name of any individual that dispatched the vehicle.
- (b) Records made in accordance with (a) above shall be kept for a period of not less than 12 months following the date of the last entry in those records.
- (c) A record shall be kept in a paginated book or by use of a suitable computer programme of the particulars of all Private Hire Vehicles and Drivers Operated under the terms of this licence and shall include: -
- (i) the name and address of the Proprietor(s)
  - (ii) the vehicle registration number
  - (iii) the Vehicle Licence number
  - (iv) the name and Drivers
  - (v) Licence number of any driver who drives the Private Hire Vehicle
  - (vi) the radio call sign allocated to the Private Hire Vehicle/driver.
- (d) Records made in accordance with (c) above shall be kept for a period of no less than 12 months following the date that the Private Hire Vehicle ceases to be Operated under the terms of this licence.
- (e) The Operator shall maintain a register of all staff that will take bookings or dispatch vehicles and each member of those staff shall provide to the operator a valid basic DBS certificate prior to commencement of employment and then on an annual basis. The register must be made available to an Authorised Officer on request.
- (f) The Operator shall implement and maintain a policy relating to the employment of ex-offenders. The policy must be provided to the Licensing Authority upon implementation and be available to an Authorised Officer upon request.
- (g) The Operator shall implement and maintain a safeguarding policy that addresses the needs of the protection of children and vulnerable adults for whom the Operator provides transport services.
- (h) The Operator shall ensure that any other Operator to whom they sub-contract bookings to also has a similar safeguarding policy in place to protect children and vulnerable adults.
- (i) The use of a driver who holds a Passenger Carrying Vehicle Licence (PCV) and the use of a Passenger Carrying Vehicle (PCV) to undertake a Private Hire Vehicle booking is not permitted unless the hirer has been informed that PCV licensed driver is not required to have an enhanced DBS check.

#### 4 **REPAIRS**

All Private Hire Vehicles Operated under this licence shall be fit for use and maintained in a suitable mechanical and roadworthy condition.

#### 5 **CHANGE OF ADDRESS**

The holder of this licence shall notify the Council in writing as soon as reasonably practicable but in any event within 7 days of any change of his/her/its address, (including any address from which he/she/it Operates or otherwise conducts business as an Operator).

6. **CONVICTIONS**

The holder of this licence shall as soon as reasonably practicable but in any event within 7 days of the occurrence of any of the events listed below notify and provide full details of the event to the Council in writing: -,

- (g) Any conviction.
- (h) Receipt of any caution (issued by the police or any other agency).
- (i) Receipt of a Magistrate's Court summons or other form of charge
- (j) Receipt of a fixed penalty notice for any matter
- (k) Receipt of a formal warning, order or injunction, including Criminal Behaviour Orders or similar.
- (l) Arrest for any offence (whether or not charged).

Where the holder of this licence is a company, partnership or other form of body this condition applies to its directors, partners or other persons in a position of authority or control within it as it applies to the body itself.

7. **PRIVATE HIRE VEHICLES**

- (a) No vehicle shall be Operated as a Private Hire Vehicle unless a valid Private Hire Vehicle Licence is in force in respect of it.
- (b) Before any Private Hire Vehicle is Operated the holder of this licence shall obtain its Vehicle Licence from its Proprietor. The Vehicle Licence shall be retained in a safe place during the duration of the time that the vehicle continues to be Operated and shall be returned to the Proprietor as soon as reasonably practicable (and in any event within 7 days) once Operation of the Private Hire Vehicle has ceased.
- (c) The Operator will accept a copy of the Certificate of Compliance issued to a Private Hire Vehicle for a maximum of 30 days pending the issue of the Private Hire Vehicle licence.

8. **PRIVATE HIRE DRIVERS**

- (a) No vehicle shall be Operated as a Private Hire Vehicle unless the driver holds a valid Driver's Licence.
- (b) Before any Private Hire Vehicle is Operated the holder of this licence shall cause the Proprietor to deliver.
  - (i) His/her Drivers Licence (if the Proprietor intends to drive the Private Hire Vehicle themselves), and
  - (ii) The Drivers Licence of any other person that the Proprietor intends to employ (or permit to use the vehicle) as a driver,

Such Drivers Licence(s) shall be retained in a safe place during the duration of the time that the vehicle continues to be Operated, or, any driver in respect of which a Driver's Licence has been retained ceases to drive the vehicle where upon it shall be returned to the Proprietor as soon as reasonably practicable and in any event within 7 days.

9. **PLATES, SIGNAGE AND SIDE PANELS**

- (a) Any advertisements (including details of the Operators business) displayed on the Private Hire vehicle must comply with the Council's current Advertising Policy.
- (b) Any Private Hire Vehicle operated, which has been granted an exemption from displaying plates or signs as the proprietor has declared that their vehicle will only be undertaking work which involves contract / executive / corporate activities only through a Nottingham City Council Licensed Operator and not general Private Hire work, must carry the letter issued by the Licensing department, confirming the exemption, along with the plates at all times in the boot of the vehicle. This should be available for inspection by an authorised officer at any time.

10. **COMPLAINTS**

- (a) The operator shall establish and operate a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record (in either bound and paginated book or electronic format) is kept of the following information:

- (i) Name, contact details of complainant and date complaint received
  - (ii) Date, time and details/nature of complaint
  - (iii) Name of driver (and badge number) or member of staff, to which the complaint relates, and
  - (iv) Details of action taken in respect of the complaint.
- (b) The operator shall keep the records required by (a) above for at least 12 months after investigation of the complaint has been concluded and such records shall be made available for inspection by an Authorised Officer on request
- (c) Complaints involving any element of.
- Safeguarding
  - The driving ability of any licensed driver
  - The condition of any licensed vehicle

Must be reported to the Licensing Authority in writing within 48 hours of the complaint being made to the Operator.

#### **NOTE**

These conditions are additional to the statutory requirement imposed upon proprietors by the Local Government (Miscellaneous Provisions) Act 1976.

#### **PENALTIES**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and liable on summary conviction to a fine. In addition, such action whether or not resulting in criminal proceedings being taken may lead to the suspension or revocation of an existing licence or the failure to renew such a licence.

Nottingham City Council, **Commercial & Operations**, Licensing, Licensing, Byron House,  
Maid Marian Way, Nottingham NG1 6HS

Website: [www.nottinghamcity.gov.uk/taxi](http://www.nottinghamcity.gov.uk/taxi)  
Email: [taxi.licensing@nottinghamcity.gov.uk](mailto:taxi.licensing@nottinghamcity.gov.uk)

#### **Appendix H**

##### **Private Hire Operator Application process**

1. Applications for Operator's licences must be made in writing using the approved application form.
  - Where the application is being made by a single individual, the questions on the application form should be answered by that individual.

- Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants.
- Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors.

2. This is necessary and particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Licensing Authority must be satisfied as to the fitness and propriety of each and every applicant.

Before an application will be accepted the applicant must include the following:

- A basic DBS certificate (if not already a licensed driver with this Council)
- A certificate of good conduct (if applicable);
- Proof that the applicant is legally permitted to work in the UK – a licence will not be issued for a period longer than that period the applicant is permitted to work;
- The safeguarding vulnerable people course certificate; (all applicants will be required to attend and pass this course)
- The application fee;
- Any other documentation required to progress your application e.g. relevant insurance documents.

If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.

When all required documents and other information have been received, the application will be determined.

In accordance with the Interpretation Act 1978, the term 'person' may apply to both individuals and bodies corporate and un-incorporate. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application. Where an application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.

Completed application forms (including any information in annexes required as part of the application) should be returned to the Licensing Authority along with the applicable fee. A further charge is made for each Nottingham City Council licensed vehicle operated by your company.

Operator's licences are non-transferrable. In the event of the control of a licensed business passing to a different person, it will be necessary for the new owner of the business to apply for a licence.

#### Determination

Applications can be granted at Officer level where all documentation is satisfactory and the statutory tests are met.

Where an application presents issues which cannot be addressed through the application process it will be heard by the Regulatory and Appeals Committee. The applicant will be given an opportunity to make representations, either in writing or orally at a meeting. All representations will be given full consideration prior to a decision being made in respect of the application.

The Licensing Authority may consider information from other sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory/non-statutory bodies.

Where an application is granted, a licence document will be issued to the applicant, which confirms their right to operate private hire vehicles. Licences will usually be granted for a period of 5 years. The Council does however reserve the right to grant licences for a shorter duration if deemed necessary in the circumstances.

Where an application is refused, suspended and/or revoked by the Council and the operator is aggrieved by the decision, there is a right of appeal to a magistrate's court. Further details will be provided where applicable.

## **Appendix I**

### **Hackney Carriage & Private Hire Vehicle Licence Application Process (including renewal of existing licences)**

Applications for vehicle licences will only be accepted in relation to vehicles that comply with:

1. Nottingham City Council's specification for private hire vehicles, or hackney carriages (as appropriate), and
2. Nottingham City Council's Vehicle Age and Emissions Policy.

In making an application for a vehicle licence, applicants must submit the following:

- The vehicle application form;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this document must be provided before the plate is issued to the applicant)

The vehicle must be submitted for examination at the council's nominated inspection facility. This inspection will include an assessment of the vehicle's mechanical and aesthetic condition, and will exceed the MOT standards set by the Driver and Vehicle Standards Agency. The inspection is intended to assess the vehicle for licensing suitability. The council will not issue an MOT certificate for the vehicle; however a Certificate of Compliance will be incorporated into the vehicle licence.

All vehicles will be issued with a licence and with a licence plate showing the actual date of expiry.

Private Hire Vehicles under 3 years old will be issued a licence for a one year period, commencing on the date that the licence is issued. Vehicles older than 3 years old on the day that the licence is granted will be issued with a 6 month licence.

Hackney Carriages under 5 years old will be issued a licence for a one year period, commencing on the date that the licence is issued. Vehicles older than 5 years old on the day that the licence is granted will be issued with a 6 month licence.

**The applicant must submit to Taxi Licensing all necessary documents before the start of the vehicle examination.**

**The person presenting the vehicle for testing must be in possession of a valid Nottingham City Council Combined Hackney Carriage & Private Hire Vehicle driver's licence.**

All vehicles are subject to a HPI check. If the vehicle is reported as having a condition alert (accident damage) then a licence will not be granted until such time as the vehicle has been inspected by Autolign and a certificate of confirmation of works undertaken is produced which will allow the condition alert to be removed.

The vehicle must be presented for testing at the agreed time and date. Any failure to attend or failure to give at least 24 hour's notice of cancellation, will incur a cancellation fee.

Once the vehicle has been inspected, the inspection facility will confirm to the Licensing Office that a licensing inspection has taken place, and the result of that inspection. This may be done by supplying the vehicle proprietor and the Licensing Office with the appropriate confirmation documentation.

This documentation must indicate to the proprietor of the vehicle

- if the vehicle "passed" or "failed" the inspection,
- what point(s) the vehicle failed on (where a failure is given),
- if a re-test inspection is required.

Where a vehicle fails an inspection, the inspector must supply the proprietor and licensing officer with sufficient documentation to indicate what faults exist on the vehicle and are required to be rectified to enable the vehicle to pass a re-test (including body damage / dents / scratches or damage to fabrics / missing plates, notices or door signs). This document must be supplied to the proprietor of the vehicle at the end of that test inspection.

In cases where a licence renewal application has been submitted but has not been processed before the date that the licence expires.

## **Appendix J**

### **AGE AND SPECIFICATION POLICIES RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

#### **GENERAL**

1. This policy will have effect from 1 January 2018
2. No Hackney Carriage or Private Hire vehicle shall be granted a licence unless it meets the City Council's approved vehicle specification. In accordance with the Council's earlier Policy it will still be the case that no licence will be granted for a Hackney Carriage Vehicle Licence unless that Vehicle is wheelchair accessible and displays the Council's Coat of Arms on the front side doors. (unless advertising is being placed on the door in line with the Council's Advertising Policy).
3. Nottingham City Council will refuse to renew a licence for a vehicle for use as a Hackney Carriage or Private Hire vehicle once the respective upper age limit has been reached.

4. From 01/01/2020 additional vehicle specifications will be required for all vehicles. Vehicle owners are encouraged to contact the Licensing Office for advice at least 2 years before the vehicle is due to reach the upper age limit or purchasing a new vehicle.



5. From 01/01/2025, any vehicle being licensed for the first time as a Hackney Carriage or Private Hire vehicle will be required to be ZEC UI-EV
6. From 01/01/2030, no vehicle shall be licensed as a Hackney Carriage or Private Hire vehicle unless it is a Zero Emissions Capable Ultra Low Emission Vehicle

## **PRIVATE HIRE VEHICLES**

### **From 01/01/2020**

1. Only Private Hire vehicles FOUR (4) years of age and under from the date of first DVLA registration will be considered for first licensing or as a replacement vehicle.
2. Private Hire vehicles over the age of TEN (10) years from the date of first DVLA registration will ordinarily be REFUSED a licence
3. Private Hire vehicles over the age of THREE (3) years from the date of first DVLA registration will be subject to SIX (6) monthly MOT inspections carried out by Nottingham City Council testers

## **WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE VEHICLES**

### **From 18/01/2021**

1. All applications for replacement Hackney Carriage vehicles will be ordinarily REFUSED unless the vehicle to be licenced is newer than the existing vehicle and is no more than SIX (6) years of age from the date of first DVLA registration
2. All Hackney Carriage vehicles over the age of Five (5) years from the date of first DVLA registration will be subject to SIX (6) monthly MOT inspections carried out by Nottingham City Council testers.
3. Hackney Carriage vehicles over the age of TEN (10) years from the date of first DVLA registration will ordinarily be REFUSED a licence UNLESS the vehicle is in exceptionally good road-worthy condition and approved for use following an Exceptional Condition Vehicle Check carried out by an authorised officer.

### **From 16/03/2018**

1. All applications for replacement Hackney Carriage vehicles will be ordinarily REFUSED unless the vehicle is coloured black with a white vinyl roof. The black is to be one of the manufacturer palette colours on the appended list, as amended from time to time.

### **From 01/01/2020**

1. All Hackney Carriage vehicles will be required to be a minimum of Euro 6 Diesel or ZEC ULEV.
2. No Euro 6 Diesel vehicle will ordinarily be licensed as a hackney carriage if it over the age of TEN (10) years.
3. No ZEC UI-EV vehicle will ordinarily be licensed as a hackney carriage if it over the age of FOURTEEN (14) years

### **From 01/01/2025**

1. No ZEC UI-EV vehicle will ordinarily be licensed as a hackney carriage if it over the age of TWELVE (12) years

Euro 6 diesel relates to the engine AND vehicle both being manufactured after September 2015.

\*\* ZEC UI-EV definition — emit up to 50g/km CO2 with a minimum of 30 mile emission range. A ZEC Hackney Carriage MUST be petrol if an internal combustion engine is used

## **Appendix K**

### **Policy in relation to the specification of Private Hire Vehicles**

Local Government (Miscellaneous Provisions) Act – Section 48

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
5. The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. A full size spare tyre or, a space saver wheel must be carried in the vehicle or a generator and sealant where supplied as standard with the vehicle. Where 'run flat' tyres are fitted, a spare wheel/tyre is still to be carried.
6. The vehicle must be right hand drive. However, in certain circumstances a left hand drive may be considered suitable for licensing – this will be at the discretion of the council (and will include some limousines for example).
7. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
8. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing **Page 114**
9. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.

10. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
11. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
12. All seats within the vehicle, front and rear, must be fitted with working seatbelts. In relation to number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits
13. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
14. The vehicle must not have displayed on or from the vehicle any sign or notice, mark, or illumination which consists of or includes the word 'taxi' or 'cab' or leads a person to believe the vehicle is a hackney carriage.
15. The vehicle must not have any other feature which may suggest to a person seeking to hire a vehicle that the vehicle is a hackney carriage.
16. The vehicle must be in the colour it was originally manufactured, and no advertisement be displayed on the vehicle (without the written approval of the council in accordance with Appendix O).
17. The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements.
18. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
19. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
20. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (categories A, B, C and D).

**Additional Requirements for Wheelchair Accessible Vehicles:**

21. Wheelchair Facilities

(1) Suitable anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupant must be independent of each other.

Anchorage must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

(2) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.

(3) The clear height of the doorway must be not less than 120 cm.

(4) Grab handles must be placed at door entrances to assist the elderly and disabled.

(5) The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.

(6) The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.

(7) Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.

(8) A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

## 22. Passenger Capacity

(1) The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.

(2) The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.

(3) The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.

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

## 23. Driver's Compartment

(1) The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.

(2) The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.

(3) A serviceable device for demisting the windscreen must be fitted.

(4) Every vehicle must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5 cm.

## **General Specifications**

**(1) Front Engine** Petrol, Diesel, Hybrid, Front or Rear Wheel Drive  
Minimum Engine Capacity of 1600cc for conventional 4 passenger vehicles (Petrol or Diesel)

Minimum Engine Capacity of 1400cc for conventional 4 passenger vehicles (Hybrid)

**(2) Seating** should be for at least 4, but no more than 8 passengers in addition to the driver.

Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be accepted.

Folding or moving seats which are so constructed to provide access to other seats to which there is no direct access will not be accepted.

Front seats shall be equipped with safety belts in accordance with current legislation and any vehicle having a gangway between the body side and nearside passenger seat must be equipped with a lap and shoulder belt which does not obstruct the gangway.

**(3)** A separate lockable luggage compartment is preferred. In vehicles where the luggage is not in a separate compartment passengers must be protected by a screen from items of luggage being propelled into the passenger compartment area by the vehicle movement.

**(4)** At least 4 road wheels.

**(5)** Manufacturers gross vehicle weight for tyres and suspension actually fitted to the vehicle submitted for a licence must be sufficient for a minimum payload to the driver, full fuel tank, the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kgs per person).

Where Propane or L.P.G is used as the vehicle fuel the weight of extra equipment must be within the gross weight.

Where the vehicle type has a marginal payload rating and it has many nonstandard fittings and equipment, a weighbridge certificate of kerb weight may be required.

- (6)** All vehicles will be of an approved type, being properly constructed in accordance with all appropriate Act of Parliament and E.E.C Legislation applicable to the U.K. Approved vehicles will be right hand drive, with the exception of chauffeur driven limousine type vehicles used for executive hire which may be left-hand drive, fitted with at least 4 road wheels, with at least two passenger doors in the body sides and separate means of access for the driver.

Passengers will be provided with sufficient means of communication with the driver and have facilities to carry luggage in a safe and secure condition. The passenger accommodation will have properly upholstered and covered seats, with floors also properly covered. There will be direct access to all doors without the need to fold or move any seats to provide a gangway. There will be means of opening and closing at least one window each side of the vehicle.

### **GENERAL EQUIPMENT**

Where a vehicle has more than 4 passenger seats and arranged on more than 2 rows of seats, the headroom for the intermediate seats will be as for the front seat.

- (1)** Spare Wheel and Tyre, Jack and Wheel Brace - properly stowed to protect passengers luggage.
- (2)** or an electronically operated tyre pump and container of tyre sealant
- (3)** 1.36kg B.C.F or Dry Powder Fire Extinguisher and First Aid Kit in the passenger compartment of
- (4)** Nearside and Offside rear view mirrors
- (5)** If a fare meter is fitted it must be visible to all passengers and not be a safety hazard to passengers

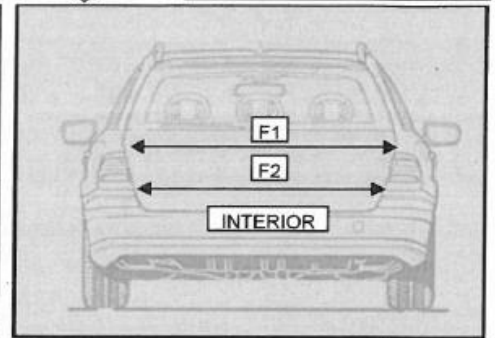
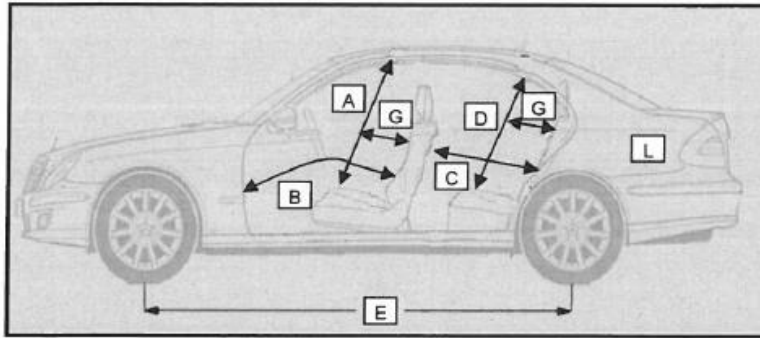
In addition to the general requirements, Private Hire Vehicles will not display any advertising or lettering other than the permitted 127mm x 76mm label in the windscreen displaying the City of Nottingham Private Hire Licence number or other approved legend in letters and figures no more than 25mm high.

London type Hackney Carriages are not allowed to be licensed as Private Hire Vehicles.

**New Vehicle Measurement Form**  
**Specification For Private Hire Vehicles**



**Nottingham**  
**City Council**



**GENERAL DIMENSIONS**

**Vehicle Make & Model**

<b>A</b>	914mm	min	Cushion not compressed	=	<input style="width: 80px; height: 25px;" type="text"/>
<b>B</b>	939mm	min	Seat fully rearward	=	<input style="width: 80px; height: 25px;" type="text"/>
<b>C</b>	609mm	min	Front seat fully rearward	=	<input style="width: 80px; height: 25px;" type="text"/>
<b>D</b>	863mm	min	Cushion not compressed	=	<input style="width: 80px; height: 25px;" type="text"/>
<b>E</b>	2438mm	min	Wheelbase for rear wheel drive	=	<input style="width: 80px; height: 25px;" type="text"/>
vehicles (shorter wheelbases will be considered for front wheel drive cars and other types of vehicle where the design of the vehicle provides interior space in excess of the above minimum dimensions)					
<b>F1</b>	1346mm	min	Interior width measured in line	=	<input style="width: 80px; height: 25px;" type="text"/>
with the top face of the seat cushions, but excluding any arm rests and at a point on the bodysides 2" below the bottom edge of the side window aperture.					
<b>F2</b>	1244mm	min	Interior width measured between any arm rest on the door.	=	<input style="width: 80px; height: 25px;" type="text"/>
<b>G</b>	254mm	Point of measurement parallel with the squab.		=	<input style="width: 80px; height: 25px;" type="text"/>
<b>H</b>	0.42cu	Metres of hard luggage min. (15 cu feet)		=	<input style="width: 80px; height: 25px;" type="text"/>

Length =

Width =

Height =

Page 118

Divide (L) x (W) x (H) by 1728 to obtain cubic capacity.

=

### **General Specifications for a one passenger vehicle**

- 1) Front engine petrol, diesel minimum engine capacity of 800cc.
- 2) Seating should be for 1 passenger in addition to the driver. Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be accepted.
- 3) Folding or moving seats which are so constructed to provide access to other seats to which there is no direct access will not be accepted.
- 4) Front seats shall be equipped with safety belts in accordance with current legislation.
- 5) A separate, lockable luggage compartment is preferred. In vehicles where the luggage is not in a separate compartment, passengers must be protected by a screen from items of luggage being propelled into the passenger compartment area by vehicle movement.
- 6) At least 4 road wheels.
- 7) Manufacturers gross vehicle weight for tyres and suspension actually fitted to the vehicle submitted for a licence must be sufficient for a minimum payload equal to the driver, full fuel tank, the number of passengers for which a licence is requested (at least 70kg per person) and luggage (at least 20kg per person). Where propane or L.P.G. is used as the vehicle fuel, the weight of extra equipment must be within the gross weight.
- 8) Where the vehicle type has a marginal payload rating and it has non-standard fittings and equipment, a weighbridge certificate of kerb weight may be required.
- 9) All vehicles will be of an approved type, being properly constructed in accordance with all appropriate act of Parliament and E.U. legislation applicable in the U.K. Approved vehicles will be right hand drive with the exception of chauffeur driven limousine type vehicles used for executive hire which may be left-hand drive, fitted with at least 4 road wheels, with at least one passenger door in the body side and separate means of access for the driver.
- 10) Passengers will be provided with sufficient means of communication with the driver and have facilities to carry luggage in a safe and secure condition. The passenger accommodation will have properly upholstered and covered seats with floors also properly covered. There will be direct access to a door without the need to fold or move any seats to provide a gangway. There will be means of opening and closing at least one window.

### **General equipment**

- 1) Spare wheel and tyre, jack and wheel brace – properly stowed to protect passenger's luggage (or manufacturers equivalent)
- 2) 1.36kg B.C.F. or dry powder fire extinguisher and first aid kit in the passenger compartment.
- 3) Nearside and offside rear-view mirrors.

- 4) If a fare meter is fitted, it must be visible to all passengers and not a safety hazard to passengers.

In addition to the general requirements, Private Hire Vehicles will not display any advertising or lettering other than the permitted 127mm x 76mm label in the windscreen displaying the City of Nottingham Private Hire Licence number or other approved legend in letters and figures no more than 25mm high.

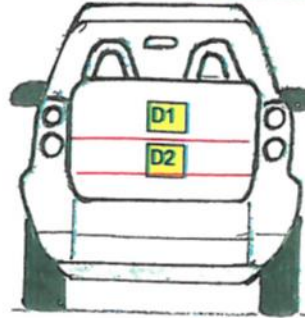
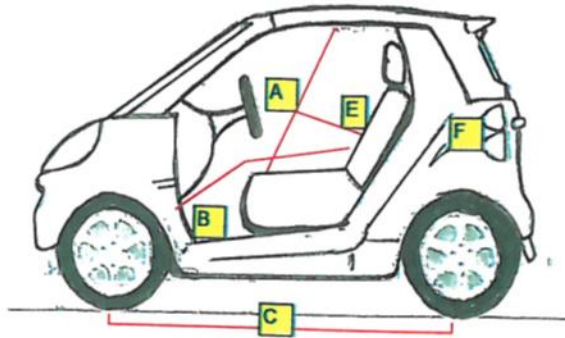
London type Hackney Carriages are not allowed to be licensed as Private Hire Vehicles.



**Minimum Dimensions For One Passenger Vehicle**  
**Specification For Private Hire Vehicles**



**Nottingham**  
**City Council**



**GENERAL DIMENSIONS**

**Vehicle Make & Model**

**A** 914mm min Cushion not compressed =

**B** 939mm min Seat fully rearward =

**C** 1807mm min Wheelbase =

vehicles (shorter wheelbases will be considered for front wheel drive cars and other types of vehicle where the design of the vehicle provides interior space in excess of the above minimum dimensions)

**D1** 1150mm min Interior width measured in line =

with the top face of the seat cushions, but excluding any arm rests and at a point on the bodysides 2" below the bottom edge of the side window aperture.

**D2** 1140mm min Interior width measured between any arm rest on the door. =

**E** 254mm Point of measurement parallel with the squab. =

**F** 12.6 cu ft Cubic Feet of hard luggage min. =

Length =

Width =

Height =

Divide (L) x (W) x (H) by 1728 to obtain cubic capacity. =

**Appendix L**



EXTRACT from the minutes of the City of Nottingham  
ENVIRONMENT COMMITTEE City Secretary's Department held on 19  
~~APRIL 1990~~

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**317 WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES**

Consideration was given to a report of the City Secretary, copies of which had been circulated.

**RESOLVED**

- (1) that, from 1 April 1995, no vehicle should be licensed as a hackney carriage unless of a type approved by the London Public Carriage Office and wheelchair accessible;
- (2) that the current vehicle specifications for hackney carriages be amended as set out in the report to include a specification in respect of vehicles approved by the London Public Carriage Office;
- (3) that the approved vehicles be finished in one colour of 'Jaguar Racing Green' (number JBC 701) and the City coat of arms be displayed on both front door panels and that this be a condition of the licence;
- (4) that, from 1 September 1990, all replacement vehicles be of the type and specification referred to in resolutions (1) and (2) above;
- (5) that, from 1 September 1990, hackney carriage licences which had lapsed be not renewed unless of a type and specification referred to in resolutions (1) and (2) above;
- (6) that, subject to him submitting reports to the Environment (Licensing) Sub-Committee concerning applications of an unusual nature, the City Secretary be authorised to determine applications for licences received after 1 September 1990 in respect of vehicles not of the type and specification referred to in resolutions (1) and (2) above, provided that such vehicles complied with the existing type approvals and specifications, save that the colour might be black or white, and that he was satisfied that the application was made in circumstances where the vehicle had to be unexpectedly replaced, and such licences be issued for a period not exceeding 3 months;
- (7) that the Policy and Resources Committee be requested to grant a supplementary estimate of £1,400 for the purchase of rear licence plates.

**Appendix M**

Requirements for vehicle examination

**NOTTINGHAM CITY COUNCIL**

**THE LICENSING OF HACKNEY CARRIAGES AND PRIVATE  
HIRE VEHICLES**

**SUPPLEMENTARY TESTERS MANUAL**

**Vehicles will be tested to standards as laid down in the MOT Testers Manual and this Supplementary Testers manual. Where appropriate the Council may require vehicles to be submitted for examination by a Council appointed Motor Engineer.**

**EFFECTIVE FROM 01.01.2020**

**NOTE: THE COUNCIL RESERVES THE RIGHT TO MAKE AMENDMENTS TO STANDARDS AND REQUIREMENTS CONTAINED IN THIS MANUAL**

**INDEX**

Section 1	Vehicle Exterior
Section 2	Hackney Carriage and Private Hire Vehicle Signs
Section 3	Licence Plates
Section 4	Tyres and Spare Wheels
Section 5	Boot/Luggage Compartment

Section 6	Engine Compartment and underside
Section 7	Interior of Vehicles
Section 8	First Aid Kit
Section 9	Fire Extinguishers
Section 10	Road Test
Section 11	Meters
Section 12	List of Amendments

1. **EXTERIOR OF THE VEHICLE**

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

1.1 The exterior of the bodywork, the underside of the vehicle and the engine compartment must be free from mud, oil and grease to allow for proper inspection of these areas (see Notes), *steam cleaning may be required in some cases.*

1.2 Check the operation of all external door catches and locks to ensure that all doors can be securely closed and easily opened.

1.3 Check all doors to ensure that they are properly aligned and will close easily.

1.4 Ensure that the door hinges are in good condition allowing free movement of the door.

1.5 Check all wind-check positions to ensure that doors are held in place when opened.

1.6 Examine the external body panels and structure for evidence of corrosion, damage and/or unsatisfactory repairs, or severe misalignment.

1.7 Examine the external paintwork for damage which adversely affects the appearance of the vehicle (see Notes).

1. Contamination preventing proper inspection.

2. Defective external door catches which prevent a door opening and closing properly.  
Missing or ineffective door locks.

3. Poorly fitting doors to the vehicle.

4. Defective door hinges.

5. Wind-checks missing or faulty.

6. Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle.

7. Exterior of vehicle so dirty that the overall finish of the paintwork cannot be assessed. Paintwork so deteriorated, damaged, rust blistered or stone chipped, that it detracts from the overall appearance of the vehicle. Renovations to paintwork which produce runs, flat or uneven finish or of non matching colour, ie. not compatible with adjacent panels. Repairs incomplete in primer or undercoat.

If the vehicle is presented for annual inspection in a filthy condition the inspection will not be carried out. A test may be refused if the vehicle is presented with wet paint or wet underseal.

Any wind check straps must be of a type approved by the manufacturer.

Engineers certification may be required to satisfy the vehicle examiner that repairs have been properly carried out.

**EXTERIOR OF THE VEHICLE cont'd**

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

1.7 (cont.)

Vehicle resprayed in unapproved colour or colours.  
Overspray on glass or other fittings.  
Finisher moulding insecure, incorrectly fitted or missing.

Private Hire Vehicles should be one solid colour, and will not be accepted in the colour of Jaguar British Racing Green  
Hackney Carriages should be London Style Public Carriage Office approved wheelchair accessible cabs, as approved by Environment committee on 19<sup>th</sup> April 1990.  
Regulatory appeals Committee 25/09/2019 approved Hackney Carriage:

Nissan Dynamo Electric Taxi, Ford Tourneo, Vauxhall Vivaro VX8 Taxi, Ford Procab Euro 6 Diesel and converted by a specialist, LEVC TX

Approved by delegated authority  
Ford Coachman by Flexicab 09/09/2019  
Nissan Dynamo 40Kwh 11/09/2019

Regulatory & Appeals Committee 16/12/2019 approved Hackney Carriage;  
LEVC Icon

N.B. Hackney carriages must be finished in one colour of the manufacturers black with a white vinyl wrap roof and the coat of arms in white. (Regulatory & Appeals Committee 16/03/2018)

**SEE APPENDIX 1 FOR LIST OF VEHICLES THAT MEET THE CURRENT AGE & SPECIFICATION POLICY**

**From 01/01/2020 all Hackney Carriage vehicles will be required to be a minimum of Euro 6 diesel or ZEC ULEV. (Regulatory and Appeals Committee 18/12/2017)**

1.8 Check that the nearside and offside door/wing mirrors are fitted to the vehicle in a secure manner and that they function correctly.

8. Missing or defective door/wing mirrors. Mirror cover/ lacking in primer or sprayed in obviously none-matching colours.

- 1.9 Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.
- 1.10 Ensure that front and rear number plates comply with current regulations.

- 9. Damaged or inadequately secured front or rear bumpers, severely misaligned bumpers.
- 10. Damaged front or rear number plates. Number plates which do not comply with the Vehicle Excise and Registration Act 1994 and Road Vehicles (Registration and Licensing) Regulations. Number plate severely misaligned or inadequately secured.

**EXTERIOR OF THE VEHICLE cont'd**



## METHOD OF INSPECTION

1.11 Examine the rubber seals to every door for serious damage, looseness or absence.

1.12 Ensure that the vehicle boot lid opens, closes and locks properly, and that the hinges and opening mechanism adequately support the lid when it is in the open position.

1.13 Check the operation of the number plate light, reversing lights and front and rear fog lights.

## REASONS FOR FAILURE

11. Damaged, missing or loose door seals which are likely to cause draught, rainwater penetration, unreasonable road noise or a trip hazard.

12. Worn hinges to boot lid, defective boot lock, weak or defective boot opening device. Doors or access panels severely corroded or inadequately repaired around hinges or catches. Bodywork or pillars as above.

13. Inoperable or insufficient number plate, reversing or fog lights.

## NOTES

The vehicle will fail the test where defects in a door seal are considered to be likely to cause rain penetration, excessive draught, excessive road noise inside the vehicle or represent a trip hazard to users of the vehicle.

Lights may be of insufficient intensity when incorrect bulbs have been fitted.  
*(Any lamp fitted must work correctly and be properly aligned).* "Lamps which are not a legal requirement will not be a reason for rejection unless their condition or appearance detracts from the overall appearance of the vehicle". This does not apply to reversing lamps.

**2. SIGNS - HACKNEY CARRIAGE SIGNS**

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

2.1 Examine the roof mounted sign affixed to the vehicle, and ensure that its size, design and construction conform to the Council's standards. Ensure that the sign is undamaged, the lettering clearly legible, and that it is capable of automatic illumination.(See notes)

- 1. A sign that does not conform to the Council's standards
- 2. A sign which is damaged or has lettering which is not clearly legible.
- 3. A sign which cannot be switched off by separate means.

A Hackney Carriage must be equipped with an illuminated sign on the roof of the vehicle bearing the word "TAXI".

The roof sign should be connected to the meter switch so that the cancelling of the meter automatically illuminates the sign and activating or switching off of the meter by other means(e.g. an isolator switch) automatically extinguishes the sign.

**2. SIGNS - PRIVATE HIRE VEHICLE SIGNS**

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

2.2 Examine the signs where affixed to the vehicle to ensure that they comply with the Council's vehicle licence conditions.

- 4. Non-compliance with conditions.

The Council's licence conditions require:-  
 No top signs are allowed on Private Hire Vehicles.  
 No signs including the words 'Taxi', 'Cab', 'for hire' etc. are allowed on private hire vehicles which may lead the public to think that the vehicle is a taxi.

**2. SIGNS - ADVERTISING ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

NO ADVERTISING IS ALLOWED ON VEHICLES OTHER THAN THAT PREVIOUSLY APPROVED BY THE COUNCIL

**3. LICENCE PLATES (i.e Taxi Plates)**

**METHOD OF INSPECTION**

3.1 Ensure that the vehicle has provision for front and rear 'Taxi' plate to be fitted securely to the exterior in a position where they will be clearly legible.

**REASONS FOR FAILURE**

1. No provision for plates to be mounted. Plate mounting device or bracket insecure, broken or otherwise unfit for purpose
2. Plate is not securely fixed to the rear of the vehicle

**NOTES**

The Council's licence conditions require licence plates to be displayed at all times. Vehicles with "executive exemption" must have supporting documentation when presented for test.  
NEW TAXI's at the initial test will be fitted with plate brackets, these will be fitted F.O.C unless this is unreasonably difficult.  
This may be subject to review.

Charge for broken brackets

Do not fit brackets, Taxi driver/ company to fit.

**4. TYRES AND SPARE WHEEL (Where wheel trims are fitted these should be removed by the driver before the test to enable the wheel to be properly checked)**

<b><u>METHOD OF INSPECTION</u></b>	<b><u>REASONS FOR FAILURE</u></b>	<b><u>NOTES</u></b>
4.1 Tyres must be of the same size or to manufactures specification.	1. Variation in size of tyre. Where this is clearly not to the manufacture's specification.	Spare wheel or puncture repair provision must be supplied with the vehicle.
4.2 Examine the tyre for signs of damaged or excessive wear (see notes). Ensure that the spare (where supplied) complies with damage/tread depth requirements. "Space saver" spare tyre must have a minimum tread depth of 1.6mm over the central three quarters of the overall tread width.	2. Damaged, worn or otherwise illegal tyres, Tyres below the Council's minimum tread depth (See Notes) <i>A tyre, which has any significant area of the original, tread pattern missing.</i>	This may be (1) a spare wheel with the same type and size of tyre as fitted to the rest of the vehicle. 2- A 'spare saver' spare wheel 3- An electronically operated tyre pump and container of tyre sealant. 4- Run flat tyres if fitted as standard by the vehicle manufacturer.
4.3 Visually examine all tyres for obvious over or under inflation.	3. A tyre that is obviously over or under inflated.	A British standard remold will be acceptable if it carries clearly legible .B.S markings
4.4 Examine the jack and wheel brace provided.	4. Failure to provide a suitable jack and or wheel brace.	Tyre tread pattern should be a minimum of 2mm across the central three –quarters of the tread. L71 and Metrocab Hackney Carriage must have tyres fitted which are marked on manufacture 'TAXI or CAB'
4.5 Check the spare wheel fixing brackets (or similar securing device) to ensure the wheel is properly secured in the correct position.	5. Failure to satisfactorily secure the spare wheel.	
4.6 Check all wheel rims for damage or distortion	6. A damaged or distorted wheel rim.	

**5. BOOT/LUGGAGE COMPARTMENT**

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

5.1 Examine for evidence of damage, corrosion or water penetration.

1. Damage or corrosion to the floor inner wing panels or lid, or evidence of water penetration.

5.2 Examine floor covering to ensure that it is in good condition and offers adequate protection to luggage stored.

2. Excessive wear, damage or staining floor covering

5.3 Examine the interior for accumulations of dirt, grease, litter etc. or staining of any surface with which luggage may come into contact.

3. Accumulations of dirt, grease, rubbish etc. which could soil or damage luggage stored therein.

5.4 Check for the presence of containers of any flammable or corrosive material (e.g. oil, petrol).

4. Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle

These materials are a fire hazard. They may also contaminate passengers luggage, taint food etc.

5.5 Ensure that all interior panels are in position, covering electrical wiring and associated fittings.

5. Panels insecure or missing.

5.6 Ensure that wheelchair accessible vehicles have suitable ramps marked with plate no.

6. Failure to supply suitable ramps  
Ramps not clearly marked with plate no.

5.7 Ensure that if wheelchair accessible vehicle is fitted with a manufacturers step that it is maintained to a suitable standard

7. Appropriate vehicles with missing or unserviceable step.

**NOTE:**

**A JACK, FIRST AID KIT, FIRE EXTINGUISHER AND WHEELCHAIR RAMPS (Where applicable) MAY BE CARRIED IN THE LUGGAGE COMPARTMENT.**

**6. ENGINE COMPARTMENT and UNDERSIDE of VEHICLE**

<b><u>METHOD OF INSPECTION</u></b>		<b><u>REASONS FOR FAILURE</u></b>	<b><u>NOTES</u></b>
1.1	Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks.	1. Any fuel leakage	Inspection to be carried out from both above and below the vehicle.
1.2	Ensure that the battery is properly secured in position.	2. Any oil leakage where oil contamination is apparent over parts of the engine or underside of the vehicle or where oil is seen to be dripping from the vehicle. 3. Insecure battery	
1.3	Check the clutch master cylinders for any signs of spillage or leakage of fluid.		Battery must be securely clamped down.
1.4	Check the clutch mechanisms for correct operation	4. Leaking clutch master cylinders.	
1.5	Check the operation of the bonnet release catch.	5. Fluid leakage or mechanical component wear in the clutch mechanisms.	
1.6	Carry out a visual inspection of the entire underside of the vehicle, applying "private MOT" standards; however assessment of safety – critical items such as brake pipes and hoses, highly stressed steering joint, etc, and important areas of the vehicles structure must be assessed given due consideration to the increased loads and mileage imposed upon taxi' vehicles and standards, must be adjusted accordingly	6. Defective bonnet release catch/mechanism.	

**7. INTERIOR OF VEHICLE**

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

7.1 Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.

1. A vehicle which is in a dirty condition with accumulations of dust, litter, debris etc. or staining to the carpets or upholstery.

Vehicle will be failed if cushion/backrests, upholstery, carpeting or matting is collapsed, holed, split, temporarily repaired, dirty or stained.  
Correctly fitted seat covers will be acceptable

7.2 Check that there are no excessive unpleasant odours noticeable inside the vehicle

2. Unacceptable smells of vomit, food or other contaminants.

7.3 Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.

3. Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/heating system.

7.4 Examine any mats provided to ensure that they are not worn or damaged (see Notes).

7.5 Assess all seats within the vehicle to ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers and the driver (see Notes).

7.6 Examine all seats to ensure that they are properly secured to the vehicle; with a fixed rear seat ensure that the seat cushion is not loose

4. Seats which are not adequately secured to the vehicle.

7.7 Examine swivel seats where fitted to ensure correct operation and mechanism.

7.8 Check the operation of the interior light and dashboard illumination within the vehicle, both the manual switch and the door operated switches.

5. Swivel seat not maintained to safe standard.  
6. Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches.  
Faulty dashboard illumination.

7.9 Examine the interior rear view mirror and ensure that it is securely fixed.

7. A loose, damaged or missing rear view mirror.

7.10 Check the operation of the heater/windscreen demister to ensure that it is in satisfactory working order.

8. Defective heater/windscreen demister.

7.11 Examine the clutch and brake pedal rubbers for signs of excessive wear and security.

9. Worn or missing or insecure brake and/or clutch pedal rubbers.

**INTERIOR OF VEHICLE cont'd**

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

- 7.12 Check the operation of all window winders ensuring that they allow all windows to be fully lowered and raised easily.
- 7.13 Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.
- 7.14 Ensure that child proof locks (if fitted) to rear doors are in working order.
- 7.15 If a security grille is fitted (hackney carriages) check to ensure that there are no sharp or exposed parts which could cause injury to a passenger or driver.
- 7.16 Check that estate cars are fitted with a secure luggage guard or cover.
- 7.17 Ensure that at least one 'No Smoking' Sign is clearly displayed.
- 7.18 Check the condition and security of passenger grab handles.

- 10. Window winders that do not allow windows to be easily lowered or raised.
- 11. Defective interior door release catches.
- 12. Defective child proof locks.
- 13. Loose or incorrectly fitted security grille or exposed parts which could cause injury.
- 14. Luggage guard/cover not fitted or ineffective.
- 15. Failure to clearly display a 'no smoking sign'.
- 16. Missing, broken, damaged or insecure passenger grab handle.

**. No smoking sign must be at least 70mm diameter.**

**8. FIRST AID KIT**

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**



8.1 Ensure that a first aid kit is provided within the vehicle. Examine the kit to ensure that the contents conform to the requirements laid down in the The Health and Safety (First Aid) Regulations 1981 Specification for travelling First Aid Kits (see Notes)

8.2 Ensure that the first aid kit is suitably sited and accessible. (see Notes).

1. Failure to provide a first aid kit, or a kit which does not conform to the Council's specification.

2. A first aid kit which is sited in a position which is not conspicuous or readily accessible to the passengers and where there is no legible sign displayed on the dashboard indicating the location of the kit.

The Health and Safety (First Aid) Regulations 1981 Specification for travelling First Aid Kits states that each kit should contain the following:-

(a) 6 individually wrapped sterile adhesive dressings.

(b) one medium sized sterile unmedicated dressing (approx.10cm x 8cm; examples of suitable dressings currently available are the Standard Dressings No.8 and No. 13 B.P.C.)

(c) One Triangular bandage (this should if possible, be sterile: if not, a sterile covering appropriate for serious wounds should also be included):

(d) 6 safety pins

All contents should be within the expiry date marked.

The first aid kit should be sited in the front center of the vehicle or in the front passenger compartment and should be visible from the front and rear seats of the vehicle. In certain circumstances where, because of the design of the vehicle, the kit cannot be sited in the above stated positions, a clearly legible sign should be affixed to the dashboard stating the position of the first aid kit.

## 9. FIRE EXTINGUISHERS

### METHOD OF INSPECTION

9.1 Ensure that the fire extinguisher provided is a minimum size of 1KG dry powder or a 1Ltr.A.F.F.F. foam of a stored pressure type which complies with both British and European Standards and is marked BS. EN3.

9.2 See that the fire extinguisher is sited in a conspicuous and easily accessible position within the vehicle.

9.3 Examine the fire extinguisher to ensure that it is within the test date and that the seal is not broken. Where a pressure gauge is fitted ensure that the extinguisher is at the correct pressure.

9.4 Examine the fire extinguisher mounting to see that it is sufficiently well secured to the vehicle to prevent it becoming dislodged by normal use of the vehicle.

### REASONS FOR FAILURE

1. Failure to provide a fire extinguisher, or a fire extinguisher of the stated type, within the vehicle.

2. A fire extinguisher which is not in a conspicuous and readily accessible position within the vehicle.

3. a) A fire extinguisher which has a broken seal.  
b) A fire extinguisher which is not pressurised (stored pressure type of extinguisher)  
c) A fire extinguisher which is more than 5 years old from date of manufacture.

4. A fire extinguisher which is not securely fixed within the vehicle or fixed in such a position that it may cause a hazard to passengers.

### NOTES

A fire extinguisher may be secured in the boot area provided a sign to the effect is displayed prominently and legibly inside the vehicle

**10. ROAD TEST (All vehicles will undergo a road test)**

<b><u>METHOD OF INSPECTION</u></b>	<b><u>REASONS FOR FAILURE</u></b>	<b><u>NOTES</u></b>
10.1 Check for any vibrations through the steering column or transmission.	1. Any unreasonable vibration through the steering column or transmission.	Taxi drivers will not participate in the test drive of the vehicle, passenger or otherwise.
10.2 Check that the steering is true and positive and does not 'pull' to the nearside or offside.	2. Steering which pulls to the nearside or offside or which is not positive.	
10.3 Check that the operation of the footbrake does not cause the vehicle to judder, or to pull the vehicle to the nearside or offside.	3. Juddering or pulling to nearside/offside when the footbrake is applied.	
10.4 Listen for any unusual noise from the engine and transmission.	4. Unacceptable engine or transmission noise.	
10.5 Check the clutch for correct operation to ensure that it is positive and smooth.	5. A clutch which fails to give proper clearance slips in operation or is difficult to operate.	
10.6 Check the operation of the gear lever for signs of wear in the mechanism.	6. Evidence of excessive wear in gear lever mechanism.	
10.7 Observe the vehicle emissions for excessive smoke	7. Excessive smoke emissions	
10.8 Observe the performance of the engine during the road test for signs of any misfiring, lack of engine power etc, or any indication that the engine is not functioning in the correct manner.	8. Any evidence that there is a problem affecting the performance or reliability of the vehicle.	
10.9 Check the operation of the speedometer	9. Speedometer inoperative or defective	
10.10 Report any other matters which may affect the fitness of the vehicle for use as a hackney carriage or private hire vehicle.		

## 11. METERS

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
11.1 Ensure that the meter is sited in a position where it can be clearly seen from all passenger seats within the vehicle or in accordance with the Authority's licence conditions.	1. Absence of a meter, or a meter which is not suitably sited within the vehicle.	Private hire vehicle are not required to have a meter fitted within the vehicle. When fitted to a private hire vehicle a meter must comply with the specifications as set out in this sheet.
11.2 Examine the meter mounting to ensure that it is satisfactorily secured within the vehicle.	2. A meter which is not adequately secured within the vehicle.	
11.3 Check the meter to ensure that the figures indicating the fare are illuminated.	3. Lack of adequate illumination to the meter display.	The calibration test should be carried out by test driving the vehicle over the agreed measured distance and ensuring that the appropriate fare displayed corresponds to the distance covered. Check all tariff rates. (The above test can be carried out on a Dynaroller or similar approved equipment if available).
11.4 Ensure that the meter is correctly calibrated and sealed in accordance with the agreed table of fares (see Notes)	4. An incorrectly calibrated meter. 5. An unsealed meter.	
11.5 Check that a table of fares (in the format laid down by the Council), is displayed in the vehicle in a position where it can be clearly seen by passengers in the front and rear of the vehicle.	6. Failure to display a table of fares in a conspicuous position within the vehicle.	

## 12. **LIST OF AMENDMENTS**

- 12.1 3 AUGUST 1998 - Addition of items 5.6 & 5.7
- 12.2 2 NOVEMBER 1998 - Frontispiece re:- Motor Engineer & Autolign Emissions & Testing Ltd.
- 12.3 15 November 1999 – Addition to item 1-7 for inclusion of Fiat & Mercedes Eurocabs
- 12.4 25 September 2017 – Addition to item 1.7 for inclusion of the Nissan Dynamo Electric Taxi  
The Ford Tourneo Taxi ; Vauxhall Vivaro VX8 Taxi and Ford Procab Taxi, Ford Coachman Taxi,
- 12.5 14 March 2018 – Re-written since last revision 1998
- 12.6 25 May 2018 - Amendments Approved – Angela Rawson Regional Licensing & Policy Manager
- 12.7 25 September 2018 - Addition to item 1.7 - Regulatory appeals Committee -Approved Hackney Carriage
- 12.8 22 December 2019 – Appendix 1 added listing all approved Hackney Carriages
- 12.9 30 December 2019 – Additions to item 1.7 Regulatory Appeal Committee/Delegated Authority approved  
Hackney Carriages, removal of non-compliant Hackney Carriages. Addition of Euro 6 diesel or ZEC ULEV requirement.
- 12.10 04 February 2020 – Addition to item 1.7 Renault Trafic RX8 approved by delegated authority by Angela Rawson  
to replace the Vauxhall Vivaro which.  
Is no longer in production.
- 12.11 21 September 2020 – Notes in Section 4 – inclusion of run flat tyres if fitted by the vehicle manufacturer.

**APPENDIX 1**

<b>Hackney Carriages</b>				
<b>Make</b>	<b>Model</b>	<b>Paint Colour</b>	<b>Paint Code</b>	<b>Approved Manufacturer</b>
Nissan	Dynamo (40 Kwh)	Metallic Black	GN0	Dynamo Motor Company
Ford	Tourneo	Panther Black	JAYCWWA	Voyager / Cab Direct/Flexicab
Vauxhall	Vivaro	Midnight Black	92U	Voyager
Mercedes	Vito	Obsidian Black	197	Mercedes Approved Dealer
LEVC	TX	Raven Black	P43	LEVC
LTI	TX4 (Euro 6)	Raven Black	P43	LEVC
LEVC	ICON	Raven Black	P43	LEVC * SEE BELOW

\* to comply with the specifications required by Nottingham City Council the following extras must be fitted

before it will be licensed;

1. Driver protection screen including digital voice intercom & hearing loop
2. Full size spare wheel
3. Wheelchair accessibility package which includes retractable accessibility ramp with side rails, retractable intermediate step, forward facing wheelchair position, and quick-fasten wheelchair restraints
4. Hackney + pack which includes an internal side for hire lamp, hackney plate plinth on rear bumper,

fare table display pocket and a manual fuel cut-off switch

5. Illuminated front 'Taxi' sign

**VEHICLES MUST IN BLACK WITH WHITE CRESTS AND WHITE ROOF OR APPROVED**

**ADVERTISING - NO OTHER DECALS ARE TO BE DISPLAYED**

## Appendix N



# CITY OF NOTTINGHAM ADVERTISING POLICY

ONLY ADVERTISING COMPLYING WITH THE FOLLOWING  
REQUIREMENTS MAY BE DISPLAYED

## GENERAL

1. All advertisements must:-
  - a. Be on adhesive vinyl sheeting or magnetic panel. No paper based materials or water soluble adhesive pastes shall be used.
  - b. Comply with the Advertising Standards Authority's Code of Practice.
  - c. Be approved in writing by the Licensing Authority prior to use.
2. No advertisements of a religious, political or controversial nature are permitted
3. Advertisements shall be maintained in good condition.
4. Officers authorised by the City Council under Part (II) of the Local Government (Miscellaneous Provisions) Act 1976 will have the right to request a proprietor to remove any advertisements not complying with this policy

## ADVERTISING ON WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES

5. **Front Doors** can be used to display a telephone number which may be used to book the hackney carriage or the logo of any ride hailing application through which the vehicle may be hired. This must be placed directly below the City Coat of Arms and centralised. The individual numbers must be white and within the following dimensions:-

Height maximum 127 mm (approx 5") minimum 63mm (approx 2½") Width maximum 89 mm (approx 3½") minimum 51 mm (approx 2").

Advertisements are permitted to cover the whole of the front doors (except for the windows which should be left completely clear and visible), as part of a side or full wrap.

If the front door is being utilised for advertisements, the Nottingham City Council crest and/or any other number/logo must be placed on each of the rear doors.

6. **Rear doors** – Advertisements are permitted to cover the whole of the rear doors provided they comply with the above requirements. (Not including windows which should only display 'No Smoking' signage).

7. **Rear Screen** - Advertisements are permitted on the rear screen provided they comply with the above requirements and are made of a material which provides for displays visible from the outside of the vehicle but which cannot be seen from inside the vehicle and do not affect the drivers ability to see through the window. The rear window may be used to display a telephone number/logo which may be used to the book the hackney carriage.
8. **Side & Full Body Wraps** – Advertisements are permitted on the side of vehicles as are fully body wraps provided they comply with the above requirements. Where the wrap covers the front and rear body of the vehicle, the hackney carriage plates should be clearly visible and unobstructed at all times. For full wraps, the largest white Nottingham City Council crest, dimensions above, must be displayed clearly in the rear door window.
9. **Interior** – Advertisements are permitted inside the vehicle providing they comply with the above requirements and do not obstruct the view of either the driver or passengers. This may include the use of a digital screen so long as this does not interfere with driver or passenger safety or drivers visibility. The screen must be turned off at the passengers request and the driver's identification badge should be mounted in the top left hand corner of the dividing Perspex screen.
10. **In vehicle WiFi for passenger use** – this is allowed, including ads-to access but must comply with the conditions set out at points 1 (b) and 2 of this policy.
11. Where a hackney carriage receives bookings through a business run for that purpose, then the display of the name and phone number of the business will be permitted other than just on the front doors and rear screen of the vehicle subject to any lettering being placed directly below the telephone number and being centralised. The maximum/minimum height, width and colour of the letters shall be the same as those used for the telephone numbers.

## ADVERTISING ON PRIVATE HIRE VEHICLES

12. An Operator is permitted to advertise business details on the sides of vehicles operated by them. Such details shall be limited to:
  - i company name
  - ii company logo
  - iii telephone number
  - iv internet address
  - v logo of any booking application through which the vehicle is being operated.

All designs must comprise of full door wraps and must be approved in writing by the Licensing Authority prior to use.

13. Advertisements displayed on the sides of vehicles shall also contain the words “ Pre-booked only” or “Advanced bookings only ” in letters no smaller than 30mm high .
14. A company name and logo may be displayed on the bonnet of a vehicle provided the advertisement does not exceed six inches square
15. Advertisements on the rear screen of a Vehicle are only permitted if:-



- they are made of a material which provides for displays which are visible from the outside of the vehicle but which cannot be seen from inside the vehicle and do not affect the drivers ability to see through the window.

and

- the advertisement contains the wording “Advanced Bookings only” in letters no smaller than 30mm high at the top of the screen.

16. There shall be no advertisements on the roof of the vehicle

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<sup>1</sup> 16 March 2018 the Regulatory & Appeals Committee delegated authority to the Chair in consultation Vice-Chair and the Lead Opposition Member to determine the final detail of the revised Hackney Carriage & Private Hire advertising policy.

## Appendix O



**Nottingham**  
**City Council**

## Nottingham City Council

### Hackney Carriage and Private Hire

### Driver Improvement Penalty Points Scheme (DIPPS)

#### 1. Introduction

1.1 Nottingham City Council (The Council) has a responsibility to ensure that all drivers of Nottingham City Council licensed vehicles adhere to minimum standards and to apply this in a consistent and transparent manner. The standards concerned are defined by legislation, licence conditions, byelaws adopted by the Council and in this Scheme. Together they identify what is expected and required of the trade and help to ensure a consistent approach is taken to reach those expectations.

1.2 The Driver Improvement Penalty Points Scheme (DIPPS) is a new non-statutory enforcement tool designed to enable Authorised Officers of Nottingham City Council to issue penalty points to those drivers licensed by the Council who knowingly and persistently fail to meet the required standards, and acts as a first step in ensuring compliance with conditions and legislation. It also serves as an early warning system to drivers who see fit to ignore their responsibilities or fail to meet the requirements of their licence.

#### 2. Definitions

Under this Scheme, unless the context otherwise requires:

- a) “Driver” means the person who holds a combined drivers licence issued by the Council
- b) “Council” means Nottingham City Council
- c) “Authorised Officer” means any Officer (including Nottingham City Council Community Protection Officers) authorised by this, or any other council, in writing, for the purpose of this Scheme and/or any statutory requirements relating to hackney carriage/private hire drivers.
- d) “Scheme” means the Driver Improvement Penalty Points Scheme

#### 3. Responsibilities and Aims

3.1 The Council is the Licensing Authority responsible for the licensing of hackney carriage and private hire driver, vehicle and operator licenses within its boundaries. It is the statutory duty of the Council to ensure that all drivers are ‘fit and proper persons’ and carry out their trade in accordance with licensing legislation and locally prescribed conditions.

3.2 The aim of the Scheme is to improve overall driver compliance with legislation and licence conditions in order to secure overall improvements in driver behaviour, customer service and passenger safety.

3.3 The Scheme will achieve this by providing drivers with a transparent incremental enforcement approach for repeated breaches of conditions and other defined standards. The scheme will also enable Authorised Officers to give cumulative consideration for repeated breaches.

3.4 The Scheme will not preclude the Council from taking alternative enforcement action if it is more appropriate to the circumstances of the individual case.

## 4. Scheme Overview

### 4.1 Penalty Points

4.2 Penalty points will be a formal reprimand endorsed on a Nottingham City Council combined drivers record to show that a breach of standards has occurred. The schedule of standards to which this Scheme applies, and the relevant penalty points that may be imposed, can be found at **Appendix A** to this document.

4.3 Drivers may receive a maximum of twelve points per three year rolling period before their licence will be reviewed. This means that points will lapse after three years. Drivers will be able to check the number of points on their licence by contacting the Licensing Team details of which are available on the Nottingham City Council [website](#).

### 4.4 Points Imposition

4.5 A Penalty Points Notice (PPN) (**See Appendix B**) will only be issued where an Authorised Officer of Nottingham City Council has reasonable grounds to believe a driver is persistently and knowingly breaching a standard identified in the Scheme and has sufficient evidence to support such a breach.

### 4.6 Right to Challenge

4.7 Licence holders will be able to challenge the issue of a PPN. Drivers will have 21 days from the issue of the PPN to submit a written appeal to; [taxi.licensing@nottinghamcity.gov.uk](mailto:taxi.licensing@nottinghamcity.gov.uk)

4.8 The content of such a complaint will be considered and written notification sent to the driver advising the outcome. Such result will be full and final and no further recourse is available.

### 4.9 Breaching Points Threshold

4.10 Where a driver has exceeded the 12 point limit within a three year period they will be requested to attend an Officer Review Meeting (ORM). The driver may be accompanied at the meeting by a representative or solicitor if desired.

4.11 At the meeting, the driver will be able to explain and comment upon the matters being considered by the Reviewing Officer in relation to breaches of the Scheme. The Reviewing Officer may also wish to discuss any other relevant information e.g. passenger complaints

4.12 Depending on the individual circumstances of each case the Reviewing Officer will be able to choose from the following actions:

- Take No Action
- Issue a Recorded Warning
- Refuse to Renew Licence
- Suspend Licence
- Revoke a Licence

It should be noted that breach of a Traffic Regulation Order (TRO), pedestrianised or restricted area will be dealt with through the Enforcement, Convictions and Fitness Policy and will receive one of the following minimum sanctions:

- First breach – 2 weeks minimum suspension
- Second breach – 4 weeks minimum suspension
- Third breach – Revocation of Hackney or Private Hire Drivers licence, on the grounds of no longer constituting a fit and proper person

4.13 The driver will be notified in writing of the result of the meeting. Any driver aggrieved by a decision of the Reviewing Officer to either suspend, revoke or refuse to renew a drivers licence will have the right to appeal to the Magistrates' Court.

## 5. Scheme Review

This Scheme will be subject to continual review. Minor amendments to the Scheme may be approved by the Chief Environmental Health Officer in consultation with the Chair of the Regulatory and Appeals Committee. If the Chair deems the amendment(s) to not be minor, they will defer approval to Nottingham City Council's Regulatory & Appeals Committee.

Serious offences or breaches will remain liable to prosecution.

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<sup>2</sup> Approved by Regulatory & Appeals Committee on 29 November 2016

## Appendix P



### **CONFIDENTIAL REPORTING CODE (WHISTLEBLOWING PROCEDURE)**

#### **1. Introduction**

- 1.1 In this policy 'Whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within the Council. The aim of this policy is to encourage employees and others who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.

This procedure suggests the kind of complaints that may be covered by the Whistleblowing Procedure, how and who to voice these complaints to, how the Council will respond and, it aims to reassure those raising a complaint that they will not suffer detriment.

#### **2. Preamble**

- 2.1 Employees are often the first to realise that there may be something seriously 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. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. This code encourages employees to raise such concerns using the internal mechanisms set out below.
- 2.2 The Council is committed to the highest possible standards of openness, probity and accountability. We expect employees, and others that we deal with, who have serious concerns about any aspects of the Council's work to come forward and voice those concerns.
- 2.3 This Procedure makes it clear that employees can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The Council is committed to support employees who make a disclosure. The Whistleblowing Procedure is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.

- 2.4 The Procedure applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers etc. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.
- 2.5 This procedure should be used to raise serious concerns within the Council, which are in the public interest where an individual genuinely feels there is evidence of malpractice, impropriety or wrongdoing within the Council or by others acting on behalf of the Council. This procedure is not intended to replace existing complaint procedures or normal work communication channels for routine issues that may arise from day to day business. Other complaints procedures should be considered before making a whistleblowing complaint. The Whistleblowing Procedure is not an appeal mechanism for other procedures.
- 2.6 This Procedure has been discussed with the relevant trade unions but does not form a collective agreement and does not form part of employees' contracts of employment.

### 3. **Aims and scope of this procedure**

- 3.1 The Whistleblowing Procedure aims to:
- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
  - Provide avenues for you to raise those concerns and receive feedback on any action taken
  - Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
  - Provide protection from possible reprisals or victimisation where the person making the disclosure believes that the information available tends to show malpractice and the disclosure is made to the appropriate person or body.
- 3.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment or raise other concerns. The Whistleblowing Procedure is intended to cover major concerns that fall outside the scope of other procedures or where a procedure exists but you believe management may be involved or are not taking an issue raised seriously. Issues that could be covered by the Whistleblowing Procedure include:
- Conduct which is an offence or a breach of law (criminal offences and failures to comply with legal obligations)
  - Favouritism, nepotism etc.

- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds or other assets
- Possible fraud and corruption
- Racial, sexual, disability or other discrimination
- Neglect or sexual or physical abuse of clients
- Other unethical conduct
- Institutional racism, or;
- Action to conceal any of the above.

3.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Whistleblowing Procedure. This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- Is against the Council's Standing Orders and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

3.4 Where other procedures exist, they should be considered before making a whistleblowing complaint. For example:

- Complaints about your employment - these should be dealt with through our Resolution and Grievance Procedure.
- Concerns about the sexual or physical abuse of clients – such concerns should be referred via the Safeguarding Adults Procedure through Adult Services for concerns about adults or through the Child Protection Procedure through Children's Services for concerns about children.
- Customer complaints about our services - these are dealt with through our Corporate Complaints Procedure.
- Allegations against councillors - you can pass these directly to our Monitoring Officer who will refer them on.

#### **4. Safeguards and support**

- 4.1 The Council is committed to the highest standards of openness, probity and accountability. The Council aims to promote a culture in which employees feel they can raise genuine concerns without fear of subsequent victimisation, discrimination or disadvantage.
- 4.2 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect and support you.
- 4.3 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.
- 4.4 Subject to any legal constraints the person to whom you made the complaint or their nominated representative will keep you informed of progress in relation to your complaint, the investigation etc.

#### **5. Confidentiality**

- 5.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, you should appreciate that the investigation process may reveal the source of information and a statement by you may be required as part of the evidence. At the appropriate time, you may need to come forward as a witness.

#### **6. Anonymous allegations**

- 6.1 This procedure encourages you to put your name to your allegation whenever possible. We very much hope that the assurances we give in this policy will encourage you to disclose your identity to those who need to know it.
- 6.2 Concerns expressed anonymously are less powerful and much more difficult to investigate but will be considered at the discretion of the Monitoring Officer in consultation with Internal Audit (Audit Manager).

- 6.3 In exercising this discretion the factors to be taken into account would include:
- The seriousness of the issues raised;



- The credibility of the concern;
- The likelihood of confirming the allegation from attributable sources;
- The level of detail given to allow the complaint to be investigated.

## **7. Untrue allegations**

7.1 If you make an allegation, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **8. How to raise a concern**

8.1 The earlier you express the concern and the higher the level of detail the easier it is to take action

8.2 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved or the issue is sufficiently serious, you should approach the Council's Monitoring Officer (Director of Legal and Governance) or you can contact the Council's Internal Audit Section (Audit Manager) to discuss.

8.3 If you wish to raise a concern relating to something in the Monitoring Officer's area of work then this should be addressed to the Corporate Director, Finance and Resources.

8.4 Concerns may be raised verbally but are best raised in writing. When making a written disclosure the following format is suggested:

- The background and history of the concern (giving relevant dates, names, places etc.)
- The reason why you are particularly concerned about the situation.
- Explain what evidence exists or how evidence of the complaint can be obtained
- Provide details of who you have spoken to so far about your concerns

- The fact that you are raising this concern as a whistleblowing complaint.

8.5 If you wish to contact the Monitoring Officer or the Internal Audit Manager by e-mail, the following address can be used - [Audit.Services@nottinghamcity.gov.uk](mailto:Audit.Services@nottinghamcity.gov.uk).

8.6 Council employees can report whistleblowing complaints using the intranet. To do this look for Quick Links > Finance and Money > Whistleblowing form.

8.7 When raising a concern you will not be expected to provide proof beyond reasonable doubt of an allegation, but you will need to be able to demonstrate that there are reasonable grounds for the concerns raised. Where possible notes should be kept of what you have seen, heard or felt. Notes should be dated and copies of all relevant information kept.

8.8 You may wish to obtain advice/guidance on how to pursue matters of concern. Advice can be obtained from the Monitoring Officer (Director of Legal and Governance), Internal Audit (Audit Manager) or the Director for HR and EDI.

8.9 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns but do be mindful of confidentiality issues.

8.10 You may invite your trade union, professional/association representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

8.11 You need to be aware that your colleagues are bound by the same obligations as you relating to confidential information. If you share confidential information with union reps, professional associations or others with a view to using this procedure you will need to be careful that the confidential information is not used inappropriately. The Public Interest Disclosure Act gives protection only where certain information is disclosed in the course of obtaining legal advice. Therefore when seeking such advice, you should ensure that confidential information is not passed on to third parties. Check with the Monitoring Officer or Internal Audit (Audit Manager) or the Director for HR and EDI about this issue.

## **9 Whistle blowing complaints received by managers or HR colleagues**

9.1 When receiving complaints, managers and HR colleagues should always consider the possibility that they might be presented with a whistleblowing issue and should remember that whistleblowing complaints have to be dealt with via a separate process

9.2 Line Managers or HR colleagues who are made aware of possible whistleblowing complaints **must** in the first place seek advice from the Monitoring Officer or Internal Audit (Audit Manager) so that the complaint can be considered and a decision made on how to proceed.

9.3 All whistleblowing complaints will be recorded and monitored by the Monitoring Officer who is assisted by Internal Audit (Audit Manager).

## 10. How the Council will respond

10.1 Within ten working days of a concern being raised, the person receiving the complaint (i.e. your line manager or the Monitoring Officer or their designated representative) will write to you:

- Acknowledging that the concern has been received
- Indicating how we propose to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling you whether any initial enquiries have been made
- Supplying you with information on colleague support mechanisms, and
- Telling you whether further investigations will take place and if not, why not.

10.2 Where appropriate, the matters raised may:

- Be investigated by management, an appropriately trained investigator, internal audit, or through another appropriate procedure
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry.

10.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so,

what form it should take. The overriding principle, which the Council will have in mind, is the public interest but will balance this with its duty of care to its employees. Concerns or allegations that fall within the scope of other specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

- 10.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 10.5 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you and throughout any investigation will try to keep you informed of what is happening, subject to any legal constraints.
- 10.6 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a work colleague.
- 10.7 The Council will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- 10.8 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints your line manager or the Monitoring Officer or their designated representative will inform you of the outcome of any investigation at the end of the case.

## **11. The Responsible Officer**

- 11.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this procedure. The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report on an annual basis to the Standards Committee of the Council.

## **12. How the matter can be taken further**

- 12.1 If you are unsure about whether or not to follow the Council's Whistleblowing Procedure, or you want further independent advice, you may contact the organisation called Protect.

This is a charity, formerly known as Public Concern at Work that is completely independent of the Council, which specialises in providing free and confidential legal advice on how to raise a concern about serious malpractice at work. Protect will also help to advise you on whether a circumstance can be properly reported to an additional outside body such as the Police.

Protect can be contacted as follows - Telephone: 020 3117 2520; Fax: 020 7403 8823; Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk); Website: <https://protect-advice.org.uk>

12.2 In certain circumstances the Public Interest Disclosure Act 1998 provides protection to employees who make disclosures outside the organisation. We hope you will be satisfied with any action we take. If you are not and want to take the matter outside the Council you could contact:

- The Council's external auditor
- Your trade union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The Police

12.3 In addition, an employee may consider a disclosure to other external bodies but only if certain strict conditions are met.

12.4 Under the 1998 Act, staff making "protected disclosures" are protected from detrimental action, unfair dismissal and redundancy, and can complain to an employment tribunal.

12.5 The Procedure additionally covers any conduct not included above which is of an unethical nature. In these circumstances the Council undertakes to provide the same protection as set out in paragraph 4 above. However, you would not necessarily be protected by PIDA and you may want to take separate advice on that, for example by contacting Public Concern at Work.

12.6 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the Monitoring Officer *or* the Director of Finance, Internal Audit (Audit Manager) *or* the Director for HR and EDI about this issue.

## **Appendix Q**

### **Hackney Carriage Allocations Policy**

#### Introduction and Aim

The aim of the policy is to introduce a process to allow proprietors of lapsed hackney carriage licences who may have been affected by Covid-19 and the downturn in business an opportunity to licence a compliant vehicle, allow interested parties to register their interest to licence a compliant hackney carriage in a fair and proportionate manner and to reissue unused hackney carriage licences.

#### Procedure

- a) Previous holders of HCV licences who have not replaced their vehicles with policy compliant vehicles will be contacted and asked if they wish to make an application for a policy compliant vehicle (i.e. to give an “Expression of Interest”. They will have until 30 September 2021 to indicate whether they intend to do so or by which to return their plate (if they still have it). If they give an Expression of Interest, they will be placed upon a waiting list in the order that they respond and paragraph e). below will apply to them.
- b) All Expressions of Interest will only be accepted via the [taxi.licensing@nottinghamcity.gov.uk](mailto:taxi.licensing@nottinghamcity.gov.uk) email address.
- c) As from 01 October 2021 the Regulatory and Appeals Committee’s resolution that any new licence applications other than as replacement for a previously licensed vehicle be deferred until the allocation policy is in place will cease to have effect
- d) As from 01 October 2021 anyone who wishes to acquire a HCV licence (including anyone who has not responded within the deadline set in a) above) will be required to email the dedicated email address with an Expression of Interest in acquiring a licence for a policy compliant vehicle and requesting to go on the waiting list
- e) The Council will acknowledge the Expression of Interest in writing within 5 working days and give a period of 3 months from the date that the request was received for the applicant to provide
  - o Proof of ownership of a policy compliant vehicle or
  - o Proof of a non-cancellable order for a policy compliant vehicle including its proposed delivery date and
  - o A fully completed application form and
  - o The licence fee
- f) Applicants’ Expressions of Interest will be placed on the waiting list in the date and time order in which they are received
- g) If within 3 months of acknowledgement of an Expression of Interest, the items listed in e) above have not been provided then the applicant’s name will be removed from the waiting list
- h) Applications will be determined in accordance with the Council’s normal policies and procedures.

- i) In the event of a refusal of an HCV licence no licence will be issued in place of that application that takes the Council above the limit imposed under section 16 of the Transport Act until either the time for appealing against the refusal has expired or, in the event of an appeal being made, the appeal has been dismissed
- j) Initially proprietors (individuals or companies) may only apply for one HCV licence. However, if licences up to the limit imposed under section 16 of the Transport Act remain available for allocation without there being anyone on the waiting list for them, then further Expression(s) of Interest may be made. Third and subsequent Expressions of Interest made by a proprietor will be referred to the Regulatory and Appeals Committee for consideration.
- k) Once the number of licences issued reaches the limit imposed under section 16 of the Transport Act the waiting list will remain in operation for Expressions of Interest however potential applicants will not be required to provide the items listed in e) above until such time as they are notified by the Council that a licence is actually available.

**Appendix R****Licensed Vehicle CCTV**

## Technical Specification and System Requirements

In order to be considered suitable for installation in a Nottingham City Council Licensed vehicle, a camera system must meet the following requirements:

## 1 Operational Technical Specifications

Ref	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system. SD cards will not be acceptable
1.2	8 to 15 Volts DC	Operational between 8 and 15-volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The taxi camera equipment must be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	System override switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot) The override switch must be illuminated when switched "on"	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles luggage area (i.e. it must not be possible to deactivate the system from inside of the vehicle).
1.8	First-in/first-out buffer recording principle	The system must automatically overwrite to create a constant cycle recording
1.9	Access record	A log must be kept and maintained by the approved installer and the local authority to record time/date/reason when data is accessed.
1.10	Security, duration and auto-clearing of access record.	Access record will be kept for 12 months.
1.11	Image recording formats and media	Images must be encrypted to a minimum of FIPS 140/2
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 30 mins without power from the ignition.



		The device must be hard wired to both constant and ignition supply.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	Self-contained storage cards within the camera head will not be acceptable
1.15	GPS capability	System must have GPS capability.
1.16	The system must be capable of recording audio time synchronized to the recorded images.	If activated, the audio must record within the video file.
1.17	The system shall not record audio except when audio recording is activated by means of an approved trigger / panic switch	The system should have the ability to start recording audio data by means of a trigger switch.
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.25	Recorded images by the system shall not be displayed within the vehicle.	The monitor must display live images as clearly visible by having a glance around as per ICO specifications, it must not display recorded images
1.26	The system must have a panic switch for audio activation	At least one trigger/audio activate button in the form of a rocker switch must be capable of being operated by the driver AND a passenger. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below. If more than one switch is installed, they must operate independently of each other.

1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch which can clearly be seen by passengers.
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## 2 Storage Capacity Technical Specification

Ref	Specification	Details
2.1	Minimum of 28 days i.e. (28 x 24 hours) of recording capacity	The camera system must be capable of recording and storing a minimum of 28 days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present without the need for additional components.

## 3 Camera Head Technical Specification

Ref	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement only by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens or the position of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose-built vehicles or external images.

## 4 Storage Device Technical specification

4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from within the passenger compartment and effectively inaccessible except by authorised personnel. For example, in the luggage area

4.3	Download port provision	The recorder shall be equipped with a communication port within the hard drive housing for downloading by authorised officer.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	
4.10	Log to register modification/manipulation of downloaded images	
4.11	Log to register exporting of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against unauthorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have vehicle identification (VIN & or number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply the Council with a supply of specialised tools to allow for removal of the controller and download of data when required.
5. Specifications for video and audio recording rate		
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at a minimum rate of 25 images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of 25 images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger audio button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	When activated, audio recording must be in real time and synchronised with the video recording.

5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition or override switch is switched off.
6. Specification for activation via driver or passenger trigger/ audio button		
6.1	The activation of a trigger button when activated by driver or passenger.	The system must be fitted with at least one trigger button in the form of a rocker switch that once activated will trigger synchronised audio and video recording.
7 Downloading Technical Specification		
7.2	Provision of necessary software, cables, security keys to the Council Licensing Team.	
7.3	Windows compatible.	Once downloaded and converted
7.4	Recorded images stored in non-volatile media	
7.5	Recorded images stored in secure format	
7.6	Verifiable image authenticity	Each image shall be watermarked with vehicle ID, and time and date, and be tamperproof.
7.7	Provision of technical support to Nottingham City Council Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within a reasonable time frame
7.8	Wireless Download Prohibited	All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime committed.	The playback software must list the files in date and time slot order for ease of location of required file.
8 Requirements in relation to System Information		
8.1	Provision of service log	The unit manufacturer shall have a service log. The manufacturer shall also provide detailed instructions for the drivers with each unit.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication	A certificate of installation must be provided which will indicate the installation date
8.4	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written or presented with due consideration to varying levels of literacy.
8.5	Installation by authorised agents	The unit shall only be installed by manufacturer's authorised agents, or other installers approved by those agents
8.6	Provision of authorised agents list to the Council Licensing Team	The manufacturer or supplier shall provide a list of all authorised agents to the Council Licensing Team.

8.7	Documentation	The manufacturer must provide clear and concise operating instructions which are written or presented in layman's terms. (Details on how the system operates)
8.8	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.
9 System requirements in relation to Vehicle Inspection Facility – Inspections		
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction. This should include the images as shown to verify the status of each camera.
9.2	Mounting location of system status/health indicator to be seen	The indicators shall be mounted in such a way so as to allow for ease of view.
9.3	Design and or installation to be testable as part of the vehicle compliance test (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested as part of vehicle compliance test as prescribed.
10 General System Requirements		
10.1	Vandal and tamper resistance	All component parts must be securely mounted, hard wired and small and discreet enough to remove the risk of tampering.
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide Nottingham City Council Licensing Team with a Training and Technical support
10.6	Software and Hardware	Manufacturer to supply the Council Licensing Team with a supply of cables and software to be installed under the supervision of Nottingham City council's authorised staff.
10.7	Agreement between the Camera Manufacturer and Nottingham City Council	Agreement to allow Nottingham City Council access to the relevant software from the supplier so that in the event the manufacturer goes out of business, council will be able to support the system.

