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NOTICE OF MEETING



LICENSING PANEL

will meet on

TUESDAY, 12TH JANUARY, 2016

At 6.00 pm

in the

COUNCIL CHAMBER - TOWN HALL,

TO: MEMBERS OF THE LICENSING PANEL

COUNCILLORS ASGHAR MAJEED (CHAIRMAN), CARWYN COX (VICE-CHAIRMAN), MALCOLM ALEXANDER, HASHIM BHATTI, PHILLIP BICKNELL, JOHN COLLINS, JESSE GREY, DAVID HILTON, CHARLES HOLLINGSWORTH, MAUREEN HUNT, ANDREW JENNER, SAYONARA LUXTON, WESLEY RICHARDS, DEREK SHARP AND JOHN BOWDEN

COUNCILLORS

SUBSTITUTE MEMBERS

COUNCILLORS CHRISTINE BATESON, JOHN LENTON, GEORGE BATHURST, DR LILLY EVANS, DAVID BURBAGE, MARION MILLS, GARY MUIR, SAMANTHA RAYNER, NATASHA AIREY, HARI SHARMA, GEOFF HILL, SHAMSUL SHELMIM, JOHN STORY, DEREK WILSON AND LYNDA YONG

Karen Shepherd - Democratic Services Manager - Issued: Date Not Specified

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To confirm the Part I Minutes of the last meeting.	7 - 10
4.	<u>REVIEW OF RBWM'S PRIVATE HIRE AND HACKNEY CARRIAGE OPERATOR, VEHICLE & DRIVER POLICIES AND CONDITIONS</u> To consider the above report	11 - 78
5.	<u>ADDITIONAL CONSULTATION RESPONSE</u>	79 - 80
6.	<u>DATES OF FUTURE MEETINGS</u> The next Licensing Panel is on 11 April 2016.	

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MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

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Agenda Item 3

LICENSING PANEL

WEDNESDAY, 18 NOVEMBER 2015

PRESENT: Councillors Asghar Majeed (Chairman), John Collins, Jesse Grey, Charles Hollingsworth, Maureen Hunt, Sayonara Luxton, Wesley Richards and Derek Sharp

Also in attendance:

Officers: Alan Barwise, Steve Johnson and Shilpa Manek

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Alexander, Bowden, Cox and Hilton.

DECLARATIONS OF INTEREST

Councillor Shelim declared an interest as he owns a restaurant in Windsor but he was attending the meeting with an open mind.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting of the Panel held on 13 October 2015 be approved.

LICENSING POLICY STATEMENT

Steve Johnson, Enforcement Principal, reminded the Panel that the Licensing Policy Statement had been seen by the Panel at previous meetings. The Panel had requested that officers took a legal opinion on the document. The Licensing Policy Statement had been checked and a few minor suggestions had been made by counsel. These recommendations had been incorporated in the policy and were set out in the report. The Licensing Policy Statement was at Panel today to be agreed before going to Council in December 2015.

Councillor Hollingsworth asked officers if the Licensing Panel needed to see the Sub Committee Procedures. Legal explained that the procedures were largely in place by statute. If they were part of the policy and needed changing, a formal consultation would need to go ahead. Councillor Hollingsworth asked how could the Licensing Panel could agree the Sub Committee Procedures without seeing them. Steve Johnson advised that it was not integral to see the procedures.

Councillor Grey asked for point 2.9, default hours, to be clarified. Steve Johnson explained to the Panel that the hours were default hours and any premises could make an application to alter the default hours if there were no objections. All applications were considered on their own merit and would go to the Licensing Panel Sub Committee for Members to make a decision.

Councillor Luxton asked about 24 hour supermarkets, Alan Barwise explained that it was the same rule for supermarkets and they would have to apply and it would be up to the Licensing Panel Sub Committee to make a decision.

Councillor Hunt asked officer what was different about the process now as all applications were sent to all ward councillors and Parish Councillors who would then discuss. Councillor Hunt was advised that Members now have the extra ability to decide on each application.

Other points included:

- Any premises that serves food after 11pm needs a license.
- The new policy would apply to only new applications only.

Councillor Wilson asked officers if there was a fixed period for licenses or was the license permanent. Alan Barwise advised that it was a permanent license. Councillor Wilson asked if we do anything to control crowds in particular areas in the early hours of the morning. Also concerned about all establishments all closing at same times and police having difficulty in controlling lots of people all at once. Finally, Councillor Wilson also wanted to know if selling alcohol to underage children was still being monitored and enforced. Alan Barwise explained that the policy could be looked at all through the year and would be looked at again since there were too many clubs in Windsor. There may also be a possibility of not allowing any further clubs in Windsor, however, facts and figures would need to be considered first and the accumulative impact of any further premises. Steve Johnson explained that the selling of alcohol to underage children was previously being dealt with by trading standards and currently a new model is being worked on with Thames Valley Police.

Councillor Hunt asked if any records were kept of incidents in the borough. Alan Barwise explained that very specific reports were kept by the police. The figures have increased.

The Panel then discussed a point raised by Councillor Shelim about closing at 2am and what that actually meant. Would the 2am time indicate stopping serving or totally closing and leaving the premises. Alan Barwise explained that it was up to Members to decide if a winding down time was allowed. Other Members discussed that a winding down period would be a good idea and would allow gradual leaving of people. Councillor Shelim suggested having an alcohol license till 2am and then having a premises licence for later, allowing clear up. Councillor Shelim was very concerned about fights in the street and damage caused to things on the road. Members agreed that it was difficult to penalise clubs for peoples behaviour just because they had been drinking there. The Panel agreed that this was a general problem from having a nigh time economy.

Will Cottrell, legal advisor, reminded the Panel that a top legal expert had already reviewed the policy and had recommended a 2am finish.

RESOLVED UNANIMOUSLY: That the Licensing Policy Statement be approved.

DATES OF FUTURE MEETINGS

Members noted the next meeting of the Licensing Panel would be Tuesday 12 January 2016.

The meeting, which began at 6.00 pm, finished at 6.50 pm

CHAIRMAN.....

DATE.....

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Report for: ACTION
Item Number: 4

Contains Confidential or Exempt Information	NO
Title	Review of RBWM's Private Hire and Hackney Carriage Operator, Vehicle & Driver Policies and Conditions
Responsible Officer(s)	Simon Fletcher Strategic Director of Operations
Contact officer, job title and phone number	Craig Miller Head of Community Protection & Enforcement Services – 01628 683598 Steve Johnson Enforcement Principal – 01628 683555
Member reporting	Councillor Majeed
For Consideration By	Licensing Panel
Date to be Considered	12 th January 2016
Implementation Date if Not Called In	1 st February 2016
Affected Wards	All
Keywords/Index	Hackney Carriage / Private Hire / Taxis

<p>Report Summary</p> <ol style="list-style-type: none"> 1. RBWM requires all Private Hire Drivers, Vehicles and Operators and all Hackney Carriage Drivers and Vehicles to comply with published RBWM Policies and Conditions, which are reviewed every few years. 2. At a previous Licensing Panel on 13th October 2015, Members authorised consultation with the trade on proposed amendments to the Policies and Conditions. 3. This report details the responses received and asks Members to approve amended Policies and Conditions.

If recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
If approved, the proposals will ensure safety standards for the travelling public.	1 st February 2016

1. Details of Recommendations

RECOMMENDATION:

That Members approve the amended Private Hire and Hackney Carriage Policies and Conditions attached to this report at Appendices A to C.

2. Reasons for Recommendation(s) and Options Considered

- 2.1.** RBWM requires all Private Hire Drivers, Vehicles and Operators and all Hackney Carriage Drivers and Vehicles to comply with published RBWM Policies and Conditions, which are reviewed every few years to ensure that they are still relevant and sufficient to ensure the safety of the travelling public.
- 2.2.** In mid-2015, the Licensing team undertook a review of the current Policies and Conditions and proposed a number of amendments. The proposed amended Policies and Conditions are attached as Appendices A to C and details of the amendments to the current position are set out in this report below at paragraphs 2.7 to 2.13.
- 2.3.** At the 13th October 2015 Licensing Panel, Members authorised consultation to be carried out with the trade on the proposed amendments and this was achieved by informing all Private Hire Operators and Hackney Carriage representatives of the proposals - and by publishing the proposals on the Council's website.
- 2.4.** One written response has been received – from Mr Mohammed Yasin, “Chairman of the RBWM taxi association” – and this is attached at Appendix D. Some of the response deals with matters falling outside of this consultation and is not relevant to the proposals that are the subject of this report. Those matters have been struck through in Appendix D and will be picked up outside of this particular process.
- 2.5.** In addition, on 21st December 2015, Mr Yasin and Mr Nas Jaraal – a representative of Hackney Carriage drivers based in Windsor and also a GMB union representative – met with Cllrs Cox and Majeed and officers from the Licensing team to discuss the items listed in the written response. Nothing additional to the matters listed in Appendix D was raised at that meeting.
- 2.6.** The following paragraphs set out details of the proposed amendments to the current Policies and Conditions, together with details of what the response received said in each respect.

2.7. Medicals for Drivers

Proposed Amendment

Currently Private Hire and Hackney Carriage drivers need to provide a medical certificate before they are granted a licence and every five years thereafter. It is proposed that this should continue – but with the additional requirement that drivers should have a full medical every year once they have reached the age of 65. Members will be aware that drivers are already required to inform the Council if they have any medical issues which may affect their ability to drive.

Consultation Response

“The licensing department wants to introduce a medical check for every year after the age of 65. But rather than every year, this should surely be 2 yearly, since the retirement age is increasing”.

2.8. Temporary Vehicle Licence Fees

Proposed Amendment

Private Hire and Hackney Carriage drivers can apply to RBWM for temporary vehicle licences following accidents or mechanical problems. The vehicles can be licensed for up to three months and the current fee is £80.00 – a figure which has

not changed for some years. This figure no longer covers the work involved and has not kept up with fees charged by other local authorities.

Applications for temporary licences are, by definition, made at short notice. Arranging appointments involves redeploying staff resources away from other work, having to liaise with insurance companies, checking documentation and providing information to insurance companies and solicitors regarding disputed claims.

Drivers often miss arranged appointments or fail to provide the necessary documentation with the result that on a regular basis the process can take up to 3 days to complete for each emergency appointment.

The proposal therefore is that the fee should be increased to £120.00.

Consultation Response

“The licensing department want to raise this by 50%. However we were given a taxi fare rise of 3% last time. So if the council are going to raise this fee, this should be in keeping with the rate of inflation rather than a 50 % increase. The price currently is £80, but the council want to increase this to £120”.

2.9. Annual Driver Checks

Proposed Amendment

At the September 2015 Panel, Members discussed new legislation coming into force on 1st October 2015 that establishes a standard duration of 3 years for Hackney Carriage and Private Hire Vehicle driver licences and 5 years for Private Hire Vehicle operator licences, with licences able to be granted for a period of less than 3 or 5 years - but only in the circumstances of an individual case.

Members asked for new conditions to be introduced to ensure that drivers' details were still able to be checked on an annual basis.

It is therefore proposed that henceforth drivers applying for a 3 year licence must apply for an enhanced DBS at the time of application and will also be subject to a driving licence check at that time. Each year, after the licence has been issued, the driver will be subject to another licence check and will be issued with a new badge, using a current photograph.

Like most other local authorities nationally, RBWM uses an enhanced driving licence checking system through a company called Intelligent Data Systems (UK) Ltd (“IDS”).

The IDS system costs £7.50 per driver but provides much more detailed information than does the free DVLA service. This includes providing information proactively throughout the year on any changes to the status of RBWM's licensed drivers and allowing checks on licences issued outside of England, Scotland and Wales – both are things that the DVLA system does not provide.

Ensuring that drivers are fit and proper and that the public may travel safely is of course paramount and the IDS service allows RBWM to undertake this better than does the DVLA system.

Consultation Response

“From June 2015 this service is free from the DVLA website; we wonder how the council can charge us £7.50 for this service which is free. We request the panel to remove these charges and make the council refund this fee to the drivers”.

2.10. Internal Identification Plates

Proposed Amendment

The Council's licensing team receives up to circa 100 complaints about Private Hire and Hackney Carriages every year from members of the public. Passengers frequently have difficulty identifying the vehicles which are the subject of the complaints. Currently, once passengers are inside a vehicle there is no way of them ascertaining any details of the vehicle. It is proposed that an identification plate be required inside both Private Hire and Hackney Carriage vehicles displaying vehicle licence and registration numbers. This system is already in use in many other local authorities.

Consultation Response

Nothing received

2.11. Road Knowledge Testing Fee

Proposed Amendment

Private Hire and Hackney Carriage drivers are tested on their knowledge of the Policies and Conditions for drivers before they are licensed. In addition, Hackney Carriage drivers are tested on their knowledge of the Royal Borough's roads. The current fee for this test is £16.00, which no longer covers the work involved in administering the test and is far less than the fee charged by other local authorities. Slough Borough Council for example currently charges £40.00. The recommendation is that the RBWM fee should be increased to £30.00.

Consultation Response

Nothing received

2.12. Convictions

Proposed Amendment

Currently RBWM's Policies and Conditions state that applicants for a Private Hire or Hackney Carriage drivers licence must show 3 to 5 years free from conviction, depending on the circumstances. In view of the number of applicants who have a substantial number of convictions, it is proposed that this shall change to 5 years in all circumstances.

Consultation Response

Nothing received

2.13. Horse Drawn Hackney Carriages

Proposed Amendment

RBWM has licensed horse drawn Hackney Carriages for many years. Two such licensed vehicles currently operate in Windsor. The rules in relation to these vehicles have been in effect for some time and are attached to the individual licences. They have never been included in the full set of licence conditions. It is proposed therefore that an additional section, relating to horse drawn vehicles, be added to RBWM's Policies and Conditions.

Consultation Response

Nothing received

2.14. Members are now invited to consider the proposed amendments and the response to the consultation and to approve a set of amended Policies and Conditions.

Option	Comments
1. Approve the proposals detailed in Appendices A to C.	This is the recommended option as the proposals are designed to enhance the safety of the travelling public.
2. Make additional amendments to the drafts set out in Appendices A to C in order to take into account the consultation responses.	Members may wish to reflect some or all of the trade views by further amending the draft Policies and Conditions.
3. Decide not to approve any amendments to the current Policies and Conditions.	The Policies and Conditions are reviewed in order that they are still relevant and sufficient to ensure the safety of the travelling public. Not updating them would prevent this from happening.

4. Key Implications

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
A reduction in the number of complaints regarding Private Hire and Hackney Carriage drivers and vehicles	8+ complaints per month.	5-8 complaints per month.	2-4 complaints per month.	Less than 2 complaints per month.	From 1 st February 2016.

5. Financial Details

Financial impact on the budget (mandatory)

There are no financial implications as a result of this report

6. Legal Implications

Conditions can be attached to vehicle licences by virtue of Sections 47 & 48 Local Government (Miscellaneous Provisions) Act 1976. Hackney Carriage Drivers have special bylaws to govern their behaviour and Private Hire Drivers can have conditions imposed under Section 51 of the Act.

7. Value for Money

N/A

8. Sustainability Impact Appraisal

There are no significant sustainable development impacts resulting from this.

9. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Judicial Review or appeal conditions	The proposed Policies and Conditions could be judicially reviewed or challenged by way of individual appeals to the magistrates court	The process in determining the Policies and Conditions is considered fair and reasonable and balances the needs of the applicants with the duty to protect the public	Medium

10. Links to Strategic Objectives

The main links are to:

Residents First

- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

10. Equalities, Human Rights and Community Cohesion

None

11. Staffing/Workforce and Accommodation implications:

None

12. Property and Assets

None

13. Any other implications:

None

14. Consultation

As outlined in Section 2, consultation was undertaken with the trade.

15. Timetable for Implementation

Any amendments to RBWM's Policies and Conditions will take effect as from 1st February 2016.

16. Appendices

- Appendix A - Hackney Carriage Driver & Vehicle Draft Policy and Conditions
- Appendix B - Private Hire Driver & Vehicle Draft Policy & Conditions
- Appendix C - Private Hire Operator Draft Policy & Conditions
- Appendix D - Consultation Response

17. Background Information

Sections 47, 48 & 51 Local Government (Miscellaneous Provisions) Act 1976

18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:

Internal				
Cllr Burbage	Leader of the Council	05/01/2016	05/01/2016	
Cllr Cox	Lead Member	04/01/2016	04/01/2016	
Cllr Majeed	Licensing Panel Chairman	04/01/2016	04/01/2016	
Simon Fletcher	Strategic Director of Operations	04/01/2016	04/01/2016	
Will Cottrell	Shared Legal Services	05/01/2016		
External				
	RBWM's Hackney Carriage Drivers and Private Hire Drivers and Operators	Consultation took place between October and December 2015		

Report History

Decision type:	Urgency item?
	No

Full name of report author	Job title	Full contact no:
Steve Johnson	Enforcement Principal	01628 683555

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THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

Hackney Carriage Driver & Vehicle Draft Policy and Conditions

This is a general guide that has been prepared for the assistance and guidance of Hackney Carriage Drivers. It does not stand on its own and The Royal Borough of Windsor and Maidenhead, its Officers and agents do not accept any responsibility for any loss occasioned by any person acting as a result of the material contained herein.

The law relating to Hackney Carriages is contained within the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clause Act 1847. All previous policies and conditions are hereby revoked from the date this document is approved by the Licensing Panel

In this document the term “Licensing Officers” means the Enforcement Principal, Team Leader Licensing, the Licensing Enforcement Officers and Assistant Licensing Enforcement Officers of the Royal Borough of Windsor and Maidenhead. “Council” means the Royal Borough of Windsor and Maidenhead.

Hackney Carriage Drivers and Licensing Requirements

1. HACKNEY CARRIAGE DRIVERS – REQUIREMENTS

- 1.1 Each application will be considered on its own merits, taking into account all relevant information and circumstances and having regard to the criteria detailed below
- 1.2 Should any applicant fail to be regarded as a fit and proper person to hold a Hackney Carriage Drivers Licence (HCD), his application shall be refused by the Licensing Officers
- 1.3 There is a right of appeal to the Council's Appeals Panel.
- 1.4 Should any licence holder become regarded as not being a fit and proper person to hold a Hackney Carriage Drivers licence, his licence may be suspended or revoked.

2. APPLICATION REQUIREMENTS

- (a) All applicants must have held a full UK, NI or EU driving licence for a minimum of two years before an application for a HCD licence can be made. (This excludes the holding of a provisional licence).
- (b) Holders of full EU licences must register their licence with the DVLA.
- (c) All new applicants must complete a Data Protection Mandate form in order for their DVLA/EU drivers licence to be checked and verified by the DVLA.
- (d) Existing drivers may be required to complete a Data Protection evaluation form if they have a poor driving record.
- (e) All new applicants must complete an Enhanced Disclosure & Barring Service (DBS) Disclosure Form and upon receipt of result, present it alongside the HCD licence application. The DBS can only be accepted at the time of licensing if it is less than 3 months from the date of issue.
- (f) The DBS does not check for criminal convictions outside the UK, and should an applicant not have been a resident in the UK for the preceding five years, a Certificate of Good Conduct should be obtained from the appropriate Embassy or High Commission. A certified English translation of this document must be produced by the applicant at his own cost. If this cannot be provided, the application shall be refused.
- (g) All applicants must provide proof of the right to work and reside in the UK. This can be done by providing a valid UK or European Union passport. Holders of other passports must show a valid visa that has at least six months remaining before its expiry at time of application. A licence will only be granted until the expiry of the visa, and will only be renewed or extended on the production of a valid visa issued by the Home Office. Under no circumstances will letters from any source be accepted as proof of right to work. Applicants without a passport wishing to be able to work must have a valid ARC card or Immigration Status Document issued by the Home Office.

- (h) All applicants must have completed and passed a Driving Standards Agency (DSA) Hackney Test Assessment within the last 12 months, prior to any Hackney Carriage Drivers licence being issued. (Drivers currently licensed by RBWM are exempt from having to take the DSA Test unless there is a complaint about the standard/quality of their driving).
 - (i) Applicants are expected to have a good knowledge of the Royal Borough of Windsor and Maidenhead and the surrounding area as well as the Highway Code. Applicants will be tested on their knowledge of the above and must pass a written knowledge test to a set standard. Knowledge tests shall take the form of a written test which will be conducted in English only. Payment for the test shall be made in advance and failure to attend without prior notice shall mean forfeiture of any monies paid.
 - (j) Applicants have twelve months from submission of application to complete the application process.
 - (k) All applicants must submit a Certificate of Fitness, which must be signed and stamped by their own General Practitioner. Certificates of Fitness are required at first application and then every five years, until the driver reaches the age of 65. Thereafter, a Certificate of Fitness must be provided every year.
 - (l) Applicants for 3 year licences must apply for an enhanced DBS at the time of application and will be subject to a DVLA licence check. Each year, after the licence has been issued, the driver will be subject to another DVLA licence check and will be issued with a new badge, using a current photograph.
- 2.1 Nothing in this policy shall preclude a licence holder from being required to undergo a medical examination or to provide DVLA licence information at any time as may be directed by the Licensing Officers.

3. FIT AND PROPER

- 3.1 A licence shall not be granted where an applicant has been convicted of an offence of dishonesty, violence, a sexual offence or an offence relating to alcohol, drugs or controlled substances and has not yet been rehabilitated in terms of the Rehabilitation of Offenders Act 1974 (as amended), the Guidelines Relating to the Relevance of Convictions and the Royal Borough of Windsor and Maidenhead's policies and procedures, in respect of that offence. In addition where there are relevant spent convictions, these may also be considered. See 'Policy & Guidance on Convictions & Cautions'
- 3.2 A conviction for any of the offences listed in the paragraph above will result in immediate licence suspension or revocation by the Licensing Officers. Should a Hackney Carriage Drivers licence holder be charged with an offence that is deemed to be of such a nature that it poses a serious risk to the public, the Licence shall be immediately suspended by the Licensing Officers until such time that the issue has been resolved.
- 3.3 Where a conviction is not in respect of a relevant offence and is not of a nature which would have any bearing on whether the applicant is a fit and proper person, to hold a driver's licence, such a conviction will be disregarded other than in consideration of an overall adherence to the law.
- 3.4 The Driver must inform the Council without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future. Examples are contained in the DVLA Medical Notification Guidance and include;
- giddiness
 - fainting
 - blackouts
 - epilepsy
 - strokes
 - multiple sclerosis
 - Parkinson's disease
 - heart disease
 - angina
 - coronaries
 - high blood pressure
 - arthritis
 - disorder of vision
 - mental illness
 - alcoholism
 - drug taking
 - loss of limb or loss of use of limb
- 3.5 Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their Doctor and refer to the DVLA (Group 2) Medical rules and Standards which are updated every 6 months.
- 3.6 A licence may be suspended or revoked by the Licensing Officers in accordance with the approved penalty point system (see penalty point system).

THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD HACKNEY CARRIAGE BYE-LAWS AND REQUIREMENTS

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of the Royal Borough of Windsor & Maidenhead with respect to hackney carriages in the area of the Royal Borough of Windsor & Maidenhead.

INTERPRETATION

Throughout these byelaws “the Council” means the Council of the Royal Borough of Windsor & Maidenhead and “the district” means the area of the Royal Borough of Windsor & Maidenhead.

1. PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED.

- (a) The proprietor of a hackney carriage shall cause the number of the Licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- (b) The proprietor of a hackney carriage shall ensure that an internal identification plate is clearly displayed within the vehicle, showing the Hackney Carriage Vehicle Licence and registration numbers, matching the design approved by the licensing officers.
- (c) A proprietor or driver of a hackney carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marketing or plate so defaced that any figure or material particular is illegible.

2. PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED.

The proprietor of a hackney carriage shall:-

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher and first aid kit approved by the Council which shall be carried in such a position as to be readily available for use; and

- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

3. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:-

- (a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter, in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council in that behalf;
- (d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

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

- (a) when standing or plying for hire, keep the keys, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.

5. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

- 6.** The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
- (a) proceed with reasonable speed to one of the stands fixed by the Council in that behalf;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward; and
 - (e) be in attendance with the carriage at all times when it is the first or second carriage on the stand.
- 7.** A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 8.** The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 9.** The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 10.** A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 11.** The badge provided by the Council and delivered to the driver of a hackney carriage shall, when standing or plying for hire, and, when hired, be worn in such position and manner as to be plainly visible.
- 12.** The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
- (a) convey a reasonable quantity of luggage; and
 - (b) afford reasonable assistance in loading and unloading; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES

13. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance, unless the hirer expressed at the commencement of the hiring, his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which is may not be possible to record on the face of the taximeter.

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

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF.

15. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
16. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

17. (a) carry it as soon as possible and, in any event, within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to a Police station in the district, whichever be the greater) but not more than Five pounds (£5.00).

17. ADDITIONAL PROVISIONS RELATING TO HORSE DRAWN CARRIAGES ONLY

- (a) A Proprietor or driver of a horse drawn hackney carriage shall not, while standing, plying or driving for hire, drive or allow to be driven or harnessed, or allow to be harnessed to the carriage any animal or animals in such a condition as to expose any person conveyed or being in such carriage or any person conveyed or being in such carriage or any person transversing any street, to risk of injury.
- (b) Every driver of a hackney carriage drawn by an animal or animals shall while standing, plying or driving for hire, cause every part of the harness of the animal or animals drawing the carriage to be kept in order, so that the animals or animals shall be properly and securely attached to the carriage and under due control.

18. PENALTIES

Every person who shall offend against any of these byelaws shall be liable, on summary conviction, to a fine not exceeding level 2 on the Standard Scale (Criminal Justice Act 1982) and, in the case of a continuing offence, to a further fine not exceeding Two pounds (£2.00) for each day during which the offence continues after conviction therefore.

19. REPEAL OF BYELAWS

- (a) The byelaws relating to hackney carriages which were made by the Mayor, Aldermen and Burgesses of the Borough of Maidenhead on the 4th day of August 1964 and which were confirmed by The Secretary of State (Home Office) on the 22nd day of October 1964, are hereby repealed.
- (b) The byelaws relating to hackney carriages which were made by the Mayor, Aldermen and Burgesses of the Royal Borough of New Windsor on the 23rd May 1966 and which were confirmed by the Secretary of State (Home Office) on the 12th July 1966, are hereby repealed.

HACKNEY CARRIAGE VEHICLE CONDITIONS

The Council attaches the following conditions to Hackney Carriage Vehicle Licences;

In these conditions 'the Council' means the Royal Borough of Windsor and Maidenhead, 'Driver' means a person holding a Hackney Carriage Drivers licence issued by the Council and 'Vehicle' means a Hackney Carriage Vehicle licensed by the Council.

NOTES: Failure to adhere to the Hackney Carriage Vehicle Conditions may result in prosecution, suspension or revocation of the licence pursuant to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

1. PRE LICENSING CONDITIONS

In order that a reliable Hackney Carriage service of an acceptable standard is provided within the Borough, a person to be considered for a Hackney Carriage Vehicle Licence on the first or subsequent occasions shall –

Have a vehicle which is in satisfactory mechanical order and body condition and in operational order in every respect. This vehicle is to be a saloon, hatchback or estate vehicle, a minibus or a multi-passenger vehicle of eight or less passenger seats, which according to the manufacturer's unaltered specification has;

- (a) A minimum of four doors, each adjacent to and allowing direct access to and from the seats
- (b) Rear seat accommodation for not less than three persons (for saloons and estates)
- (c) In addition to the Driver, up to two passenger seats in the front of the vehicle, provided each seat is separate and has its own lap/diagonal seat belt
- (d) All Hackney Carriage vehicles shall be fitted with appropriate seat belts to the front and rear seats. The number of seat belts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry in forward facing seats, plus a belt for the driver
- (e) Accommodation for not less than four passengers
- (f) Adequate luggage accommodation
- (g) All vehicles must be right hand drive
- (h) The inside and outside of a Hackney Carriage vehicle shall be clean and free from damage, well maintained and in every way fit for public service.
- (i) All new hackney carriages shall be white and have an illuminated "taxi" sign and identification plate. They will also have affixed specific door signs on the sides of the vehicle in accordance with a design approved by the Head of Public Protection. All vehicles will have bonnet and boot coloured Pantone 259. Where there is no specific boot than the rear doors of the vehicle will be that colour. This colour can be applied with paint or vinyl covering.

The applicant shall submit the vehicle for mechanical and/or such other inspection as the Council may require. Vehicles submitted for test/inspection shall be in such a condition as to be suitable for inspection including:

- **Vehicles should be free from excessive oil leaks**
- **All vehicles should be thoroughly clean inside and out**
- **Vehicles not meeting these conditions will not be inspected**

2. WHEELCHAIR ACCESSIBLE AND PURPOSE BUILT VEHICLE AGE POLICY

- (a) This part of the policy relates to all wheelchair accessible and purpose built vehicles including, TX1, TX2, TX4, Metro Cabs and Eurocabs.
- (b) Any new vehicle to be licensed as a Hackney Carriage either permanently or temporarily to be no older than 5 years of age from the date of first registration and must be wheelchair accessible.
- (c) The vehicle once licensed can be licensed for an indefinite period subject to the vehicle having a satisfactory Certificate of Compliance from one of the Council's approved garages.
- (d) Any vehicle imported into the UK, the date requirements will apply from the date of manufacture.
- (e) A current wheelchair accessible/purpose built Hackney Carriage licence holder can only replace the vehicle with another wheelchair accessible/purpose built vehicle as defined in paragraph (a) above.

3. NON-WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE VEHICLE AGE POLICY

No further licences will be issued for saloon or other non-wheelchair accessible vehicles except to replace an existing saloon or non-wheelchair accessible vehicle.

- (f) Saloon or non wheelchair accessible vehicles can be replaced with vehicles of a similar type but new vehicles must be in the full livery.
- (g) Any new saloon vehicle to be licensed as a Hackney Carriage vehicle either permanently or temporarily to be no older than 5 years from the date of first registration.
- (h) Any vehicle imported into the UK, the date requirements will apply from the date of manufacture.
- (i) Paragraph (f) above only relates to currently licensed saloon Hackney Carriage vehicle licence holders.
- (j) The vehicle once licensed can be licensed to a maximum of 12 years from the date of first registration.
- (k) Exceptions to f) and i) can be made for some vehicles on written application to the Council. Such vehicles will include prestigious vehicles in excellent condition.

4. GENERAL

- (a) Any vehicle to be licensed as a temporary replacement or on a temporary basis (e.g. where the permanent vehicle has been involved in an accident or been stolen, etc) must be replaced with a suitable vehicle, as agreed with the Council's Licensing Officers, pending the repair or renewal of the original vehicle within a 3 month period.
- (b) In all cases of transfer of vehicle, the prior written permission of the Licensing Officers is required.

5. WHEELCHAIR ACCESSIBLE VEHICLES

Any vehicle that has been modified to accommodate disabled passengers must have all modifications and adaptations, including all seats, seat belts and anchorages, retested to meet either the **European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category** (evidence of this must be produced). **Any vehicle meeting UK Single Vehicle Approval will not be licensed as a Hackney Carriage vehicle.**

- Grab handles must be fitted in appropriate positions in all passenger access door entrances to aid passenger ingress and egress from the vehicle while using any steps provided
- There must be no steps within the passenger compartment
- All floor areas and passageways between seats over which passengers will be expected to pass must be free of all steps, encumbrances or trip hazards and have a slip resistant surface
- All passenger seats must be provided, where possible, with a lap and diagonal 3 point seat belt and where not possible a 2 point lap seat belt appropriate to the type and position of the seat.
- The passenger/passengers confined to a wheelchair must be provided, where possible, with a lap and diagonal 3 point seat belt and where not possible a 2 point lap seat belt appropriate to the position of the wheelchair
- All seat belts must be fitted to the vehicle with the number of anchorage points appropriate to the type of seat belt, all anchorage points must comply with M1 criteria.
- The vehicle must have a minimum seating capacity for 4 passengers with at least one passenger seated in a wheelchair and a maximum of 8 passengers with at least one passenger seated in a wheelchair.
- A bulkhead/drivers safety screen should be fitted, and it should be a full width, full height screen fitted directly behind the driver's seat. The upper section of the bulkhead/safety screen should contain a clear vision panel sufficient for the driver to be able to see a substantial amount of the passenger compartment, which must include vision of all access doors.
- The bulkhead/safety screen should allow communication between the driving and passenger compartments.
- The bulkhead should have no discontinuities that would allow a passenger to reach into the driver's compartment from the passenger compartment.
- The vision panel section of the bulkhead/safety screen should be constructed of safety glass or any clear material with at least the same impact resistance and safety qualities as that of safety glass.
- A lightweight ramp or ramps for the loading of a wheelchair and occupant must be available at all times.
- An adequate locking device must be fitted to ensure that the ramp/s do not slip or tilt when in use.
- Provision must be made for the ramps to be permanently stored in the vehicle safely when not in use.

- All passenger seats must be permanently fixed to the vehicle. Demountable seats that are removed for the purpose of providing space for wheelchair passengers shall not be allowed. Fold away seats are to be permitted providing they remain attached to the vehicle.
- All drives of wheelchair accessible vehicles, must agree to take a course in relation to disability awareness and manual handling of wheelchairs as directed by the Licensing Officers, such training will be provided free of charge.

6. HORSE-DRAWN HACKNEY CARRIAGE CONDITIONS

- A minimum standard of 15.2 hands is laid down for carriage horses providing that as regards horses between 15.2 hands and 15 hands they may be operated if they are approved by the Council's appointment veterinary surgeon.
- No horse shall be used in any carriage licensed by the Royal Borough of Windsor and Maidenhead until it has been examined and approved by the Council's appointment veterinary surgeon.
- Any one horse shall not be in harness for more than seven consecutive hours, to include one hour's break in that period for rest, feeding and drinking (licensees of carriages are reminded that if they operate a carriage for more than seven hours in any one day it will be necessary for them to obtain two horses for that carriage).
- Adequate stabling must be provided at all times for horses used in hackney carriage work.
- Horses when standing at rest should be provided with adequate equine quarter sheets (rugs).
- The Council must be advised of any changes in stabling arrangements before they occur in order that they may be inspected and approved.
- A horse used in any one day as a carriage horse shall not be used during that day for any other purpose.
- Any change of ownership of a licensed carriage horse to be notified to the Council.
- The licensed carriage may only ply for hire between the hours of sunrise and sunset.
- No material alteration or change in specification, design, condition or appearance of the carriage shall be made without the approval of the Council at any time while the license is in force.
- Provision must be made for keeping the carriage under cover when it is not plying for hire.
- A horse-drawn hackney carriage licence is not transferable nor may it be assigned to any other person or body without previous consent in writing having first been obtained from the Council.
- All applicants for a carriage driver's licence may be required to submit a test as to their ability to handle horses.
- The personal appearance of a carriage driver whilst plying for hire with his carriage shall be to the satisfaction of the Council. The attention of carriage drivers is drawn to the provisions in the Hackney Carriage Bye-laws.
- The proprietor of a licensed carriage shall notify the Council of any change of address, in writing, within seven days of such change taking place.

7. DOCUMENTATION

The applicant shall produce the following documents prior to the issue of the licence which must be current at the time the licence commences:

- (a) An insurance certificate or cover note which expressly indicates insurance cover for public hire
- (b) The vehicle registration document showing the current owner's name and address
- (c) A valid current Certificate of Compliance which must be no older than 28 days on issue of the licence.
- (d) All vehicles over 9 years from the date of first registration must have a Certificate of Compliance every 6 months.
- (e) All vehicle licence holders must carry the original/photocopy of the original of the following in their vehicle at all times;
 - Driving licence (photo-card)
 - Insurance certificate
 - Certificate of Compliance

8. SAFETY EQUIPMENT

All vehicles will be required to carry a fire extinguisher conforming to British Standard (BS) EN3 - this must be readily available for use in case of an emergency and a first aid kit.

9. LICENCE PLATE

The licence holder/Driver shall ensure that;

- (a) The Hackney Carriage licence plate shall be securely affixed to the rear of the vehicle at all times, regardless of whether or not the vehicle is being used for Hackney carriage purposes.
- (b) The Hackney Carriage Vehicle Licence plate is not concealed or damaged and is kept clean so that it is clearly visible at all times.

10. USAGE

- (a) Whilst a vehicle is licensed as a Hackney Carriage it must not be driven by any person other than a Royal Borough of Windsor and Maidenhead's licensed Hackney Carriage driver
- (b) If the proprietor permits or employs any other person to drive the vehicle, they must inspect the Hackney Carriage Drivers Licence and Badge and record the details of the licence in a proper register for that purpose.

11. CARRIAGE OF ASSISTANCE DOGS

The proprietor shall ensure the Driver of the vehicle complies with the requirement to carry a Guide, Hearing or Assistance Dog when requested, unless the Driver is a holder of an Exemption Certificate.

12. CHANGE OF ADDRESS

If the vehicle licence holder changes address then he/she must inform the Council of such change in writing within seven working days.

13. ACCIDENTS

The licence holder/proprietor must notify the Licensing department of the Royal Borough of Windsor and Maidenhead of any accident in which the vehicle has been involved within 72 hours of the occurrence.

14. BYELAWS AND REGULATIONS

(a) The proprietor/licence holder shall ensure that any Driver (of his vehicle) complies with the Council's Conditions.

(b) The proprietor should make himself familiar with statutory requirements relating to Hackney Carriage vehicle licensing.

15. CONVICTIONS, CAUTIONS AND FIXED PENALTIES

The Driver shall, within 7 days, disclose to the Council in writing any details of any conviction, Police caution or fixed penalty (e.g. points on driving licence) other than a parking fine imposed on him/her during the course of the licence.

16. SURRENDER OF LICENCE

If the Proprietor/Licence holder cease to use the vehicle for the purpose for which it was licensed they shall surrender the licence and return the plate, which remains the property of the Royal Borough of Windsor and Maidenhead.

17. OBSTRUCTION OF AUTHORISED OFFICERS

Any person who:-

- (a) willfully obstructs an authorised officer or constable acting in pursuance of this Act; or
- (b) without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable; or
- (c) without reasonable cause fails to give such an officer or constable so acting any other assistance or information which he may reasonably require of such person for the purposes of the performance of his functions under this part of the Act or the Act of 1847;

shall be guilty of an offence.

18. PENALTY POINTS

The Hackney Carriage vehicle licence is subject to the penalty points system in force in relation to the licence and the licence holder is required to read and comply with the provisions of the system at all times.

19. PENALTIES

- (a) The Licensing Officers may suspend, revoke or refuse to renew the Licence if any of the above conditions are not complied to.
- (b) The Licensing Officers may suspend, revoke or refuse to renew the Licence for 'Any Other Reasonable Cause' as defined in the Local Government (Miscellaneous Provisions) Act 1976.

20. ADVERTISING

No advertising may be displayed on the exterior of any hackney carriage.

21. INTERIOR ADVERTISING

- (a) Advertisements may only be displayed within the passenger compartment on the base of the occasional (flip up) seats and along the bulkhead above the passenger/driver partition.
- (b) Occasional seat advertisements must be encapsulated in clear, non-flammable plastic.
- (c) No material should be placed on the driver/passenger partition other than notices approved by the Council.

22. ADVERTISEMENT CONTENT

- (b) All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the proprietor to ensure that they do so.
- (c) Each proposal shall be considered upon its own merits but any advertisements which are likely to cause offence to the public are unlikely to receive approval.

23. REVOCACTION

- a) If a licence has been revoked, a new application will not be accepted until 1 year has elapsed from the date of revocation or any time which the Licensing Officers decide.
- b) If a licence has been revoked, a new application will not be accepted until 1 year has elapsed from the date of revocation or any time which the Licensing Officers decide.

24. APPEALS

- a) Where a licence has been revoked or suspended, or where a new application has been refused, an appeal against the Councils decision may be made to the East Berkshire Magistrates Court within 21 days.

PENALTY POINTS SYSTEM

The introduction of the Penalty Points System is to provide an effective enforcement process for Licensing Officers in respect of Hackney Carriage and Private Hire Driver and Vehicle Licence holders, as well as Private Hire Operators who are found to be in breach of local or national conditions and policies relating to the licensing functions.

The emphasis of the Penalty Points System is to increase and ensure the safety and wellbeing of members of the public as well as compliance with legal requirements.

The system is only intended to ensure compliance by those licence holders who it is **proved** have breached or are in breach of the rules and regulations that they should be complying with.

The system operates in line with penalty points endorsed on a driving licence and that where **12** unspent penalty points are accumulated this will result in automatic referral to the Licensing Panel.

Where a referral is made to a Licensing Panel, it will be that Panel's decision on what further action if any should be taken.

Where penalty points are administered by the Licensing Officers and the licence holder wishes to dispute the matter, the licence holder may request for the matter to be referred to an Appeals Panel.

Any licence holder has the right to appeal against a Licensing Panel, Appeals Panel or Officer's decision to the Magistrates Court within **21** days of notification of the decision.

Penalty Points System

Failing to have a Private Hire Driver or Hackney Carriage Driver badge in his possession	3 Points
Not having a fire extinguisher and/or first aid kit in the vehicle	3 Points
A vehicle issued with Dispensation and not having the plate in the vehicle or the Dispensation Certificate in the vehicle	3 Points
Failing to notify the Licensing Officer of any points or convictions being imposed by the Courts	6 Points
Failing to notify a change of address within 7 days	3 Points
Driving an unlicensed vehicle as a Private Hire Vehicle	6 Points
Allowing an unlicensed driver to drive a Private Hire Vehicle	6 Points
Failing to renew a Hackney Carriage or Private Hire Vehicle driver licence or vehicle licence within the correct time (unless extenuating circumstances apply)	3 Points
Unlawfully plying for hire in Private Hire Vehicle	Referral to Licensing Panel to consider revocation of Licence
Failing to display an identity plate on the vehicle	3 Points
Failing to notify the Licensing Officer of being involved in an accident	3 Points
Private Hire Operators failing to notify the Licensing Officer of any complaints received	3 Points
Private Hire Operators failing to maintain their records in the correct format	3 Points
Failing to attend the Town Hall when directed by the Licensing Officer	Referral to Licensing Panel to consider revocation of Licence
Allowing more passengers to be carried in the vehicle than authorised by the Private Hire Vehicle licence	6 Points
Causing or permitting a Hackney Carriage to wait on double yellow lines, other than to allow passengers to board or alight or other than applying for hire on a Hackney Carriage rank.	3 Points
Causing or permitting a Private Hire Vehicle to wait on double yellow lines, other than to allow passengers to board or alight	3 Points
Causing or permitting a Private Hire Vehicle or Hackney Carriage to wait on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight	3 Points

THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND OPERATOR LICENCES

STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

When submitting an application for a licence to drive a private hire vehicle, to drive a Hackney Carriage vehicle or to operate a private hire firm, applicants are required to declare all convictions or cautions they may have, and if they are currently being investigated or have been charged or summoned for any offence. The information given will be treated in confidence and will only be taken into account for the specific application.

Applicants should be aware that the Licensing Authority will check the Criminal Records Bureau for the existence and contents of any criminal record held in the applicant's name. Information received from the Criminal Records Bureau will be kept in strict confidence whilst the licensing process takes its course and will be retained for no longer than is necessary.

A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but must show 5 years free from conviction, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.

The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the Authority considers that the conviction renders the applicant unsuitable. In making a decision, the Licensing Authority will consider the nature of the offence(s), when the offence(s) took place and the age of the applicant when the offence(s) was committed and any other factors which may be relevant. The Licensing Authority may wish to refer to any guidelines to which it adheres and applicants may have applications refused by the Licensing Officers under delegated powers in accordance with those guidelines. There is a right of appeal from an officer decision to an Appeals Panel in every case.

Should the need arise, any applicant who is refused a licence has a right of appeal (within twenty one days of the decision) to a Magistrates' Court.

All new applicants who have not resided in the UK for a full five (5) years immediately before submitting the application must also satisfy the Council that they are a 'fit and proper person'. This will require:

- a) Obtaining a Certificate of good Conduct via the respective embassy from the country(s) where the applicant has resided for the previous 5 years,
- b) Obtaining a written English translation certificate at the applicant's own expense for the above certificate, where applicable,
- c) Production of National Insurance details and/or documentary evidence that allows an applicant to work in the UK in line with Immigration requirements.

Each case will be decided on its own merits.

Listed below are the guidelines that the Licensing Authority will refer to:-

MINOR TRAFFIC OFFENCES

Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc. should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of a person's driving licence then a Hackney Carriage or private hire licence may be granted after its restoration but a warning should be issued as to future conduct.

MAJOR TRAFFIC OFFENCES

An isolated conviction for reckless driving or driving without due care and attention should normally merit a warning as to future driving and advice of the standard expected on Hackney Carriage and private hire drivers. More than one conviction of this type of offence within the previous five years should merit refusal and no further application should be considered until the period of five years free from conviction has elapsed.

DRUNKENNESS

With a motor vehicle

A serious view should be taken of convictions of driving or being in charge of vehicle whilst under the influence of alcohol. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least five years should elapse (after restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of five years should elapse after treatment is complete before a further licence application is considered.

Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness should indicate a medical problem necessitating a medical examination (see above). In some cases a warning should be sufficient.

DRUGS

An applicant with a conviction for a drug related offence should be required to show a period of at least five years free from conviction before an application is entertained, or five years after detoxification treatment if her/she was an addict.

INDECENCY OFFENCES

As Hackney Carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences should be refused until they can show a substantial period (at least 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least five years. In either case, if a licence is granted a strong warning as to future conduct should be issued.

VIOLENCE

As Hackney Carriage and private hire drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least five years free from such convictions should be shown before an application is entertained and even then a strict warning should be administered.

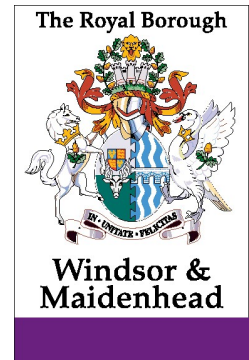
DISHONESTY

Hackney Carriage and private hire drivers are expected to be persons of trust. The wide-scale practice of delivering unaccompanied property is indicative of the trust that people place in drivers. Moreover it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the changes in currency and become 'fair game' for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 5 years free of conviction should be required before entertaining an application.

Convictions under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

Convictions under these Acts are taken very seriously, as the legislation is in place to protect members of the public. In particular, an application will not normally be entertained where the applicant has been convicted of an offence under the Acts at any time during the 12 calendar months prior to the application or has more than one conviction during the last two years prior to the application.

An existing licence holder with any conviction under this legislation will have their licence reviewed immediately.



THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

Private Hire Driver & Vehicle Draft Policy & Conditions

This is a general guide that has been prepared for the assistance and guidance of Private Hire Drivers. It does not stand on its own and the Royal Borough of Windsor and Maidenhead, its Officers and agents do not accept any responsibility for any loss occasioned by any person acting as a result of the material contained herein.

The law relating to Private Hire Drivers and Vehicles is contained within the Local Government (Miscellaneous Provisions) Act 1976.

All previous Policies and Conditions are hereby revoked from the date when this document is approved by the Licensing Panel.

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PRIVATE HIRE DRIVERS & LICENSING REQUIREMENTS

In this document, any reference to 'Licensing Officers' means the Enforcement Principal, Team Leader Licensing, the Licensing Enforcement Officers or the Assistant Licensing Enforcement Officers.

1. PRIVATE HIRE DRIVERS (PD) – REQUIREMENTS

- 1.1 Each application will be considered on its own merits, taking into account all relevant information and circumstances and having regard to the criteria detailed below.
- 1.2 Should any applicant fail to be regarded as a fit and proper person to hold a Private Hire Drivers licence, their application should be refused.
- 1.2 Should any licence holder become regarded as not being a fit and proper person to hold a Private Hire Drivers licence, their licence may be suspended or revoked.

2. APPLICATION REQUIREMENTS

- (a) All applicants must have held a full UK, NI or EU driving licence for a minimum of 2 years before an application for a PHD licence can be made. (This excludes the holding of a provisional licence).
- (b) All new applicants must complete a Data Protection Mandate form in order for their DVLA/EU drivers licence to be checked and verified by the DVLA.
- (c) All new applicants must complete an enhanced Disclosure & Barring Service Disclosure Form and upon receipt of result, present it alongside the PHD licence application. The Disclosure & Barring Service Disclosure (DBS) can only be accepted at the time of licensing if it is less than 3 months from the date of issue.
- (d) The Disclosure & Barring Service Disclosure (DBS) does not check for criminal convictions outside the UK, and should an applicant not have been a resident in the UK for the preceding five years, a Certificate of Good Conduct should be obtained from the appropriate Embassy or High Commission. A certified English translation of this document must be produced by the applicant at his own cost. If this cannot be provided, the application shall be refused.
- (e) All applicants must provide proof of the right to work and reside in the UK. This can be done by providing a valid UK or European Union passport. Holders of other passports must show a valid visa that has at least six months remaining before its expiry at time of application. A licence will only be granted until the expiry of the visa, and will only be renewed or extended on the production of a valid visa issued by the Home Office. Under no circumstances will letters from any source be accepted as proof of right to work. Applicants without a passport wishing to be able to work must have a valid ARC card or ISD document issued by the Home Office
- (f) All applicants must have completed and passed a Driving Standards Agency (DSA) Hackney/Private Hire Test Assessment within the last 12 months, prior to any PHD licence being issued. (Drivers currently licensed by the Royal Borough of Windsor and Maidenhead are exempt from having to take the DSA Test unless there is a complaint about the standard/quality of their driving).
- (g) Applicants are expected to have a good knowledge of the Royal Borough of Windsor and Maidenhead's area and the surrounding area as well as the Highway Code.

- (h) Applicants have 12 months from submission of application to complete the application process.
- (i) All applicants must submit a Certificate of Fitness which must be signed and stamped by their own General Practitioner. Medicals are required at first application and then every five years, until the licence holder reaches the age of 65. Thereafter, a Certificate of Fitness must be provided every year.
- (j) Applicants for 3 year licence must have a DVLA check each year with a new driver's badge and current photograph.

Nothing in this policy shall preclude a licence holder from being required to undergo a medical examination or to provide DVLA licence information at any time as may be directed by the Council's Licensing Officers.

3. FIT AND PROPER

- (a) A licence shall not be granted where an applicant has been convicted of an offence of dishonesty, violence, a sexual offence or an offence relating to alcohol, drugs or controlled substances and has not yet been rehabilitated in terms of the Rehabilitation of Offenders Act 1974 (as amended), the Guidelines Relating to the Relevance of Convictions and The Royal Borough of Windsor and Maidenhead's policies and procedures, in respect of that offence. In addition where there are relevant spent convictions, these may also be considered. See 'Policy & Guidance on Convictions & Cautions'.
- (b) A conviction for any of the offences listed in the paragraph above will result in immediate licence suspension by the Licensing Officers. Should a Private Hire driver's licence holder be charged with an offence that is deemed to be of such a nature that it poses a serious risk to the public, the Licence shall be immediately suspended until such time that the issue has been resolved.
- (c) Where a conviction is not in respect of a relevant offence and is not of a nature which would have any bearing on whether the applicant is a fit and proper person to hold a driver's licence, then such a conviction will be disregarded other than in consideration of an overall adherence to the law.
- (d) A licence may be suspended or revoked in accordance with the approved penalty point system (see penalty point system).
- (e) If a licence has been revoked, a new application will not be accepted until one (1) year has elapsed from the date of revocation or any time which the Licensing Officers decide.
- (f) There is a right of appeal against any Licensing Officer's decision to the Council's Appeals Panel.

PRIVATE HIRE DRIVER CONDITIONS

The Council attaches the following conditions to Private Hire Drivers Licences;
In these conditions 'the Council' means the Royal Borough of Windsor and Maidenhead, 'Driver' means a person holding a Private Hire Driver's licence issued by the Council and 'Vehicle' means a Private Hire Vehicle licensed by the Council. 'Licensing Officers' means the Council's Enforcement Principal, Team Leader Licensing, Licensing Enforcement Officers or Assistant Licensing Enforcement Officers.

NOTES: Failure to adhere to the Private Hire Drivers Conditions may result in prosecution, suspension or revocation of the licence pursuant to S.61 of the Local Government (Miscellaneous Provisions) Act 1976.

1. IDENTIFICATION OF DRIVERS

- (a) The Driver shall at all times whilst using a Private Hire Vehicle wear or display his Private Hire Drivers badge in such a position and manner that is plainly visible.
- (b) The badge must be shown, if requested, to the hirer of the vehicle or to any 'authorised officer' of the Council or Police Officer, as defined in the Local Government (Miscellaneous Provisions) Act 1976.

2. PRIVATE HIRE VEHICLE

The Driver shall not use a Private Hire Vehicle unless it complies with the Royal Borough of Windsor and Maidenhead's Private Hire Vehicle conditions.

3. ADVERTISEMENTS

The Driver shall not place, or permit to be placed, any printed written material on the vehicle.

4. PROMPT ATTENDANCE AND SHORTEST ROUTE

- (a) The driver shall, on attendance of a booking from the licensed Private Hire Operator, be in attendance at the appointed time and place unless delayed or prevented by sufficient cause.
- (b) The driver when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

5. PRIVATE HIRE DRIVERS LICENCE (BADGE)

- (a) The Driver shall be issued with a Private Hire Driver Licence and identification badge. These documents remain the property of the Royal Borough of Windsor and Maidenhead.
- (b) At the request of a Licensing Officer, the Licence and/or identification badge must be returned to the Council
- (c) The Driver shall upon the expiry date (without prior renewal to that expiry date), revocation or suspension of the Licence return the Licence and driver's identification badge to the Council immediately.

6. ASSISTANCE WITH LUGGAGE

The Driver shall, when requested by any person hiring or seeking to hire the vehicle;

- (a) convey a reasonable amount of luggage
- (b) afford reasonable assistance in loading and unloading
- (c) afford reasonable assistance in removing the luggage to or from the pick up or destination point of any passenger.

7. LOST PROPERTY

- (a) The Driver shall, immediately after the termination of any hiring or as soon as practicable after carefully searching the vehicle for any property which may have accidentally been left behind.
- (b) If the Driver has found any property accidentally left in their vehicle he must notify the Operator. If the passenger contacts the Operator immediately the driver must arrange for the passenger to collect the goods; if not, as soon as possible (and in any event within 48 hours) the property should be handed in to the nearest Police Station.

8. CARRIAGE OF OTHER PERSONS

- (a) The Driver shall not permit any person to be carried in the vehicle without the consent of the hirer.
- (b) The Driver shall not carry, or permit to be carried, a greater number of passengers than that stated on the Private Hire Vehicle Licence Plate.

9. LICENCE PLATE

- (a) The Driver shall ensure that the Private Hire Vehicle Licence Plate is securely affixed to the rear of the vehicle at all times whether working as a Private Hire Vehicle or not.
- (b) The Driver shall ensure that the Private Hire Vehicle Licence Plate is not concealed or damaged and is kept clean so that it is clearly visible at all times.

10. CONVICTIONS, CAUTIONS AND FIXED PENALTIES

The Driver shall within 7 days, disclose to the Council in writing any details of any convictions, Police caution or fixed penalty (e.g. points on driving licence) other than a parking fine imposed on him during the course of the licence – please see Penalty Points chart on page 15 for further guidance.

11. CHANGE OF ADDRESS

- (a) The Driver shall notify the Council in writing of any change of address during the period of the licence within 7 days of such change taking place.
- (b) The Driver's DVLA driving licence must be registered at the Drivers current address.

12. ACCIDENTS

The Driver shall notify the Council in writing of any vehicle accident in which the Driver is involved whilst driving a Private Hire Vehicle. This notification must be received within 72 hours of the accident taking place.

13. CONDUCT OF DRIVER

- (a) The Driver shall at all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
- (b) The Driver shall at all times take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the Vehicle.
- (c) The Driver shall not drink or eat in the vehicle.
- (d) The Driver shall not smoke in the vehicle or allow any passengers to smoke in the vehicle (for further information see policy relating to the Health Act 2006).
- (e) The Driver shall not play any audio or sound (other than for the purposes of sending/receiving messages from the Operators base) that is loud, offensive or that causes a nuisance to the hirer.

Drivers may not initiate any dialogue of a sexual nature with a passenger. Licensed drivers are not permitted to become involved sexually, or have sexual contact, even with consent, whilst in a licensed vehicle with any passenger.

14. PASSENGERS

- (a) The Driver shall not convey or permit to be conveyed (in a Private Hire Vehicle) a greater number of persons than that prescribed on the Vehicle Licence.
- (b) The Driver shall not allow any child under the age of twelve years or more than one person above the age of twelve years to be carried in the front of the vehicle.
- (c) The Driver shall not at any time by calling out or otherwise importune any person to hire his Vehicle.
- (d) The Driver must only accept a fare that has been properly booked and passed to the Driver via the licensed Private Hire Operator for whom he works.
- (e) The Driver shall not cause or permit a Private Hire Vehicle to stand on any road in such a manner as to suggest that it is plying for hire or that it is a Hackney Carriage Vehicle.
- (f) The Driver shall not rank unlawfully.

15. WRITTEN RECEIPTS

The Driver shall if requested by the hirer provide them with a written receipt for the fair paid.

16. CARRYING ANIMALS

- (a) The Driver shall not carry any animals that belong to or are in the custody of him in the Vehicle when it is being hired.
- (b) The Driver must (unless in possession of an exemption certificate, see below) accept bookings made by or on behalf of a disabled person who is accompanied by a guide, hearing or assistance dog.
- (c) The Driver must (unless in possession of an exemption certificate, see below) accept a booking by a person who will be accompanied by such a disabled person.
- (d) The Driver must not make an additional charge for carrying the passenger's assistance dog.
- (e) A Driver who has a proven medical condition that prevents him from carrying an assistance dog in his vehicle must obtain a Driver Exemption Certificate (from the Council on production of medical evidence of the condition). This Certificate must be clearly displayed at all times when driving the Private Hire Vehicle. The Driver is responsible for informing his Operator and the Council if he has a medical condition affecting his ability to carry assistance dogs during the period of their licence.

17. HEALTH OF A DRIVER

- (a) The Driver must inform the Council without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future. Examples are contained in the DVLA Medical Notification Guidance and include;
 - giddiness
 - fainting
 - blackouts
 - epilepsy
 - strokes
 - multiple sclerosis
 - Parkinson's disease
 - heart disease
 - angina
 - coronaries
 - high blood pressure
 - arthritis
 - disorder of vision
 - mental illness
 - alcoholism
 - drug taking
 - loss of limb or loss of use of limb
- (b) Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their Doctor and refer to the DVLA (Group 2) Medical rules and Standards which are updated every 6 months.
- (c) A Certificate of Fitness signed by the driver's own General Practitioner who knows and has access to his medical history shall be produced at the time of the initial application and then every 5 years, until the driver reaches the age of 65. Thereafter, a Certificate of Fitness shall be provided every year.

18. RENEWAL OF LICENCES

- (a) Applications to renew a licence can be made 30 days before the expiry of the current licence and must be submitted on the appropriate application forms.
- (b) All current PHD licence holders are required to undergo a Disclosure & Barring Service Disclosure (DBS) check every 3 years. This will be carried out at the time of the renewal application.
- (c) All current PHD licence holders are to have their DVLA/EU drivers licence checked with the DVLA annually. This will be carried out at the time of the renewal application.

Note

An application for the renewal of a licence made after the date of expiry of the previously held licence will be dealt with as a new application.

19. SEAT BELT REGULATIONS

Private Hire Drivers are only exempt from wearing a seat belt if the vehicle is being used to carry passengers for hire.

20. CHILD RESTRAINTS

- (a) If the correct child restraint is not available then a child under 3 years of age may travel unrestrained in the rear of a Private Hire or Hackney Carriage vehicle.
- (b) If the correct child restraint is not available then a child aged 3 to 11 and less than 1.35 metres (approx 4ft 5ins) may use an adult belt when travelling in a Private Hire or Hackney Carriage vehicle if the correct child restraint is not available

21. CERTIFICATE OF INSURANCE

The Driver will be responsible for ensuring that any vehicle in his charge is insured for use as a Private Hire Vehicle and that he is personally insured to drive the vehicle.

Note

The conditions relating to insurance of motor vehicles are contained in part 6 of the Road Traffic Act 1988.

22. OBSTRUCTION OF AN AUTHORISED OFFICER

Any person who:-

- (a) wilfully obstructs an authorised officer or constable acting in pursuance of this Act; or
- (b) without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable; or
- (c) without reasonable cause fails to give such an officer or constable so acting any other assistance or information which he may reasonably require of such person for the purposes of the performance of his functions under this part of the Act or the Act of 1847;

shall be guilty of an offence.

23. PENALTY POINTS

The Private Hire Driver's Licence is subject to the penalty points system and the licence holder is required to read and comply with the provisions of the system at all times – see page 17 for further details

24. PENALTIES

- (a) The Licensing Officer may suspend, revoke or refuse to renew the Licence if any of the above conditions are not complied with.
- (b) The Licensing Officer may suspend, revoke or refuse to renew the Licence for 'Any Other Reasonable Cause' as defined in the Local Government (Miscellaneous Provisions) Act 1976.

25. APPEAL

- (a) There is a right of appeal against a decision of a Licensing Officer to the Council's Appeals Panel.
- (b) Where a licence has been revoked or suspended, or where a new application has been refused, an appeal against the Council's decision can be made to the East Berkshire Magistrates Court within 21 days.

26. REVOCAION

Licensing Officers are authorised to automatically revoke the licence of a driver who has been disqualified from driving. A minimum period of 12 months must elapse from the end of disqualification before an application can be accepted.

PLEASE NOTE:

Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 provides the right of appeal to a Magistrates Court in respect of any requirement, refusal or any other decision of a Borough Council against which a right of appeal is conferred by the Act. A person wishing to exercise their right under this provision should make representation with 21 days of the date of the licence to the Magistrates Court.

PRIVATE HIRE VEHICLE CONDITIONS

The Council attaches the following conditions to Private Hire Vehicle Licences; In these conditions 'the Council' means The Royal Borough of Windsor and Maidenhead, 'Driver' means a person holding a Private Hire Drivers licence issued by the Council and 'Vehicle' means a Private Hire Vehicle licensed by the Council. Licensing Officer means the Council's Enforcement Principal, Team Leader Licensing, the Licensing Enforcement Officers and Assistant Licensing Enforcement Officers.

NOTES: Failure to adhere to the Private Hire Vehicle Conditions may result in prosecution, suspension or revocation of the licence pursuant to S.61 of the Local Government (Miscellaneous Provisions) Act 1976.

1. PRE-LICENSING CONDITIONS

In order that a reliable Private Hire service of an acceptable standard is provided within the Royal Borough of Windsor and Maidenhead, a person to be considered for a Private Hire Vehicle Licence on the first or subsequent occasions shall have a vehicle which is in satisfactory mechanical order and body condition and in operational order in every respect. This vehicle is to be a saloon, hatchback or estate vehicle, a minibus or a multi-passenger vehicle of eight or less passenger seats.

- (a) A minimum of 4 doors, each adjacent to and allowing direct access to and from the seats.
- (b) Rear seat accommodation for not less than 3 persons (for saloons and estates).
- (c) In addition to the Driver up to 2 passenger seats in the front of the vehicle, provided each seat is separate and has its own lap/diagonal seat belt. (For a limousine, a bench seat with an armrest to accommodate 1 person in addition to the Driver).
- (d) All private hire vehicles shall be fitted with appropriate seat belts to the front and rear seats. The number of seat belts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry in forward facing seats, plus a belt for the driver.
- (e) Accommodation for not less than four passengers.
- (f) Adequate luggage accommodation.
- (g) All vehicles must be right hand drive.
- (h) The inside and outside of a private hire vehicle shall be clean and free from damage, well maintained and in every way fit for public service. The applicant shall submit the vehicle for such inspection as the Council may require. Vehicles submitted for test/inspection shall be in such a condition as to be suitable for inspection.
 - **Vehicles should be free from excessive oil leaks**
 - **All vehicles should be thoroughly clean inside and out**
 - **Vehicles not meeting these conditions will not be inspected**

2. PRIVATE HIRE VEHICLE AGE POLICY

- (a) Any new vehicle to be licensed as a Private Hire vehicle, either permanent or temporary to be no older than 5 years from the date of first registration.
- (b) That condition (a) above will apply to all new and current licence holders.
- (c) The vehicle once licensed can be licensed to a maximum of 12 years from the date of first registration.
- (d) That for any vehicle imported into the UK, the date requirements will apply from the date of manufacture.
- (e) Exceptions to 2(a), (c) and (d) can be made for some vehicles on written application to the Council. Such vehicles will include prestigious vehicles in excellent condition.

The applicant must pay the relevant fee as set from time to time by the Council's Licensing Panel. If a licence is issued refunds will not be given.

3. DOCUMENTATION

The applicant shall produce the following documents prior to the issue of the licence which must be current at the time the licence commences:

- (a) An insurance certificate or cover note which expressly indicates insurance cover for Private Hire or Hire and Reward.
- (b) The vehicle registration document showing the current owner's name and address.
- (c) A valid current Certificate of Compliance which must be no older than 28 days on issue of the Licence.
- (d) All vehicles over 9 years from the date of first registration require a Certificate of Compliance every 6 months.

No Certificate of Compliance is required within a period of 1 year from the date of first registration.

- (e) All vehicle licence holders must carry the original / photocopy of the original of the following documents in their vehicles at all times:

- Driving licence (photo card)
- Insurance
- Certificate of Compliance

4. SAFETY EQUIPMENT

All vehicles will be required to carry a fire extinguisher conforming to British Standard (BS) EN3 - this must be readily available for use in case of an emergency and a first aid kit.

5. LICENCE PLATE

The licence holder/Driver shall ensure that;

- (a) The Private Hire licence plate shall be securely affixed to the outside rear of the vehicle at all times, regardless of whether or not the vehicle is being used for Private Hire purposes.
- (b) The Private Hire Vehicle Licence plate should not be concealed or damaged and must be kept clean so that it is clearly visible at all times.
- (c) An internal identification plate is clearly displayed within the vehicle, showing the Private Hire Vehicle Licence and registration numbers, matching the design approved by the licensing officers

Where a proprietor of a private hire vehicle has been granted dispensation under Section 75(3) of the Act, he is permitted to remove the plate from the vehicle.

Such dispensation will be granted and remain valid where:-

- (a) The applicant has provided written contracts from businesses that require their service specifying the requirement for the vehicle not to display a plate.
- (b) The driver of the vehicle wears uniform with some form of company logo, i.e. suit accompanied with a company tie.
- (c) The dispensation certificate and the plate are kept in the vehicle at all times during contract work.
- (d) The plate must be displayed at all times when the vehicle is being used in relation to Private Hire which is not subject to a regular business contract in accordance with Condition 5(c).

6. ADVERTISEMENTS

Drivers are not allowed to display any form of advertisement on or in the vehicle.

7. SIGNAGE FOR PRIVATE HIRE VEHICLES

- (a) A Company sticker must be displayed in the middle of the front windscreen displaying the name (logo and colours) of the operator.
- (b) All signs to be displayed must have been approved by the Licensing Officers.
- (c) All Drivers can only display the signs given to them by their Private Hire Operator.
- (d) The display of roof signs of any description or the display of the word "TAXI" or "CAB" whether in the singular or plural and whether alone or as part of another word is prohibited.
- (e) The words "FOR HIRE" or any form of wording which in any way suggests that the vehicle on which it is displayed is presently available to take up any passengers wishing to hire it, or would be so available if not already hired, is prohibited.

8. USAGE

- (a) Whilst a vehicle is licensed as a Private Hire Vehicle it must not be driven by any other person other than a Driver properly licensed by the Royal Borough of Windsor and Maidenhead.
- (b) If the proprietor permits or employs any other person to drive the vehicle, they must inspect the Private Hire Drivers Licence and Badge and record the details of the licence in a proper register for that purpose.

9. CARRIAGE OF ASSISTANCE DOGS

The proprietor shall ensure the Driver of the vehicle complies with the requirements to carry a Guide Hearing or Assistance Dog when requested, unless the Driver is a holder of an Exemption Certificate (see Private Hire Driver Conditions).

10. CHANGE OF ADDRESS

If the vehicle licence holder changes address then he must inform the Council of such change, in writing within 7 working days.

11. PRODUCTION OF DOCUMENTATION

On request, a Private Hire Vehicle licence holder/proprietor shall produce to an authorised officer of the Council or Police Constable the following document within five working days;

- (a) Current Certificate of Compliance
- (b) Insurance document for Private Hire/Hire and Reward covering the appropriate period.
- (c) Vehicle Registration document or any other evidence of proprietorship of the vehicle.

12. ACCIDENTS

The licence holder/proprietor must notify the Licensing Officer of any accident in which the vehicle has been involved within 72 hours of the occurrence.

13. BYELAWS AND REGULATIONS

- (a) The proprietor/licence holder shall ensure that any Driver (of his vehicle) complies with the Council's Conditions.
- (b) The proprietor should make himself familiar with statutory requirements relating to Private Hire Vehicle Licensing.

14. CONVICTIONS, CAUTIONS AND FIXED PENALTIES

The Driver shall, within 7 days, disclose to the Council in writing any details of any conviction, Police caution or fixed penalty (e.g. points on driving licence) other than a parking fine imposed on him during the course of the licence.

15. SURRENDER OF LICENCE

If the Proprietor/Licence holder cease to use the vehicle for the purpose for which it was licensed he shall surrender the licence and return the plate, which remains the property of the Royal Borough of Windsor and Maidenhead. No refunds are payable on surrender of licences.

16. OBSTRUCTION OF AUTHORISED OFFICERS

Any person who:-

- (a) wilfully obstructs an authorised officer or constable acting in pursuance of this Act; or
- (b) without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable; or
- (c) without reasonable cause fails to give such an officer or constable so acting any other assistance or information which he may reasonably require of such person for the purposes of the performance of his functions under this part of the Act or the Act of 1847;

shall be guilty of an offence.

17. PENALTY POINTS

The Private Hire Vehicle licence is subject to the penalty points system in force in relation to the licence and the licence holder is required to read and comply with the provisions of the system at all times.

18. PENALTIES

- (a) The Licensing Officers may suspend, revoke or refuse to renew the Licence if any of the above conditions are not complied to.
- (b) The Licensing Officers may suspend, revoke or refuse to renew the Licence for 'Any Other Reasonable Cause' as defined in the Local Government (Miscellaneous Provisions) Act 1976

19. APPEALS

- (a) Where a licence has been revoked or suspended, or where a new application has been refused, an appeal against the Licensing Officer's decision may be made to the Council's Appeal Panel.
- (b) An appeal can be made to a Magistrates' Court within 21 days.

20. REVOCAION

Licensing Officers are authorised to automatically revoke the licence of a driver who has been disqualified from driving. A minimum period of 12 months must elapse from the end of the disqualification before an application can be accepted.

Penalty Points System

The introduction of the Penalty Points System is to provide an effective enforcement process for Licensing Officers in respect of Hackney Carriage and Private Hire Driver and Vehicle Licence holders, as well as Private Hire Operators who are found to be in breach of local or national conditions and policies relating to the licensing functions.

The emphasis of the Penalty Point System is to increase and ensure the safety and wellbeing of members of the public as well as compliance with legal requirements.

The system is only intended to ensure compliance by those licence holders who it is **proved** have breached or are in breach of the rules and regulations that they should be complying with.

The system operates in line with penalty points endorsed on a driving licence and that is where **12** unspent penalty points are accumulated this will result in referral to the Licensing Panel. Penalty points being spent 12 months from the date of being administered.

Licensing Officers reserve the right to refer cases straight to a Licensing Panel rather than imposing points, where they consider the seriousness of the case merits doing so.

Where a referral is made to the Licensing Panel, it will be that Panel's decision on what further action, if any, should be taken – such action could include the suspension or revocation of the licence.

The Licensing Panel will allow the licence holder the opportunity to challenge the imposition of individual sets of penalty points.

Where penalty points are administered by a Licensing Officer and the licence holder wishes to dispute the matter, the licence holder may request for the matter to be referred to the Council's Appeals Panel.

Such an appeal must be submitted to the Council in writing, stating the grounds for appeal, within 21 days of administration of the penalty points. Any licence holder also has the right of appeal against a Licensing Panel or Appeals Panel decision to the Magistrates Court within 21 days of notification of the decision.

Failing to have a Private Hire Driver or Hackney Carriage Driver badge in his possession	3 Points
Not having a fire extinguisher and/or first aid kit in the vehicle	3 Points
A vehicle issued with Dispensation and not having the plate in the vehicle or the Dispensation Certificate in the vehicle	3 Points
Failing to notify the Licensing Officer of any points or convictions being imposed by the Courts	6 Points
Failing to notify a change of address within 7 days	3 Points
Driving an unlicensed vehicle as a Private Hire Vehicle	6 Points
Allowing an unlicensed driver to drive a Private Hire Vehicle	6 Points
Failing to renew a Hackney Carriage or Private Hire Vehicle driver licence or vehicle licence within the correct time (unless extenuating circumstances apply)	3 Points
Unlawfully plying for hire in Private Hire Vehicle	Referral to Licensing Panel to consider revocation of Licence
Failing to display an identity plate on the vehicle	3 Points
Failing to notify the Licensing Officer of being involved in an accident	3 Points
Private Hire Operators failing to notify the Licensing Officer of any complaints received	3 Points
Private Hire Operators failing to maintain their records in the correct format	3 Points
Failing to attend the Town Hall when directed by the Licensing Officer	Referral to Licensing Panel to consider revocation of Licence
Allowing more passengers to be carried in the vehicle than authorised by the Private Hire Vehicle licence	6 Points
Causing or permitting a Hackney Carriage to wait on double yellow lines, other than to allow passengers to board or alight	3 Points
Causing or permitting a Private Hire Vehicle or Hackney Carriage to wait on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight	3 Points
Causing or permitting a Private Hire Vehicle or Hackney Carriage to wait on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight	3 Points

THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

When submitting an application for a licence to drive a private hire vehicle, to drive a Hackney Carriage vehicle or to operate a private hire firm, applicants are required to declare all convictions or cautions they may have, and if they are currently being investigated or have been charged or summoned for any offence. The information given will be treated in confidence and will only be taken into account for the specific application.

Applicants should be aware that the Licensing Authority will check the Disclosure & Barring Service for the existence and contents of any criminal record held in the applicant's name. Information received from the Disclosure & Barring Service will be kept in strict confidence whilst the licensing process takes its course and will be retained for no longer than is necessary.

A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but must show 5 years free from conviction, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.

The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the Authority considers that the conviction renders the applicant unsuitable. In making a decision, the Licensing Authority will consider the nature of the offence(s), when the offence(s) took place and the age of the applicant when the offence(s) was committed and any other factors which may be relevant. The Licensing Authority may wish to refer to any guidelines to which it adheres and applicants may have applications refused by Officers under delegated powers in accordance with those guidelines. There is a right of appeal from an officer decision to an Appeals Panel in every case.

Should the need arise any applicant who is refused a licence has a right of appeal (within 21 days of the decision) to a Magistrates' Court.

All new applicants who have not resided in the UK for a full five (5) years immediately before submitting the application must also satisfy the Licensing Team/Committee that they are a 'fit and proper person'. This will require:

- (a) Obtaining a Certificate of good Conduct via the respective embassy from the country(s) where the applicant has resided for the previous 5 years,
- (b) Obtaining a written English translation certificate at the applicant's own expense for the above certificate, where applicable,
- (c) Production of National Insurance details and/or documentary evidence that allows an applicant to work in the UK in line with Immigration requirements.

Each case will be decided on its own merits.

Listed below are the guidelines that the Licensing Authority will refer to:-

MINOR TRAFFIC OFFENCES

Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc. should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of a person's driving licence then a Hackney Carriage or private hire licence may be granted after its restoration but a warning should be issued as to future conduct.

MAJOR TRAFFIC OFFENCES

An isolated conviction for reckless driving or driving without due care and attention should normally merit a warning as to future driving and advice of the standard expected on Hackney Carriage and private hire drivers. More than one conviction of this type of offence within the previous five years should merit refusal and no further application should be considered until the period of five years free from conviction has elapsed.

DRUNKENNESS

With a motor vehicle, a serious view should be taken of convictions of driving or being in charge of vehicle whilst under the influence of alcohol. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least five years should elapse (after restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of five years should elapse after treatment is complete before a further licence application is considered.

NOT IN A MOTOR VEHICLE

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness should indicate a medical problem necessitating a medical examination (see above). In some cases a warning should be sufficient.

DRUGS

An applicant with a conviction for a drug related offence should be required to show a period of at least five years free from conviction before an application is entertained, or five years after detoxification treatment if her/she was an addict.

INDECENCY OFFENCES

As Hackney Carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences should be refused until they can show a substantial period (at least 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least five years. In either case, if a licence is granted a strong warning as to future conduct should be issued.

VIOLENCE

As Hackney Carriage and private hire drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least five years free from such convictions should be shown before an application is entertained and even then a strict warning should be administered.

DISHONESTY

Hackney Carriage and private hire drivers are expected to be persons of trust. The wide-scale practice of delivering unaccompanied property is indicative of the trust that people place in drivers. Moreover it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the changes in currency and become 'fair game' for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 5 years free of conviction should be required before entertaining an application.

Convictions under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

Convictions under these Acts are taken very seriously, as the legislation is in place to protect members of the public. In particular, an application will not normally be entertained where the applicant has been convicted of an offence under the Acts at any time during the 12 calendar months prior to the application or has more than one conviction during the last two years prior to the application.

An existing licence holder with any conviction under this legislation will have their licence reviewed immediately.

Nothing in this guidance / policy will remove an applicants right to appeal to a Magistrates Court against the Council's refusal to grant or renew a licence, or decision to suspend or revoke a licence, or against any conditions which may have been imposed on any such licence by the local authority. Such appeal is to be made within 21 days of the refusal or decision.

DISCLOSURE GUIDANCE / REQUIREMENTS

Applicants should note that to make a false statutory declaration is a serious criminal offence, punishable upon conviction by imprisonment for a term not exceeding two years or to a fine to be decided by the court or both. This statutory declaration may in certain circumstances be forwarded to the police for examination.

Applicants for driver licences are required to declare **ANY** convictions or cautions including those regarded as “**Spent**” under the Rehabilitation of Offenders Act 1974.

The information you give will be treated in confidence and will only be taken into account in relation to your application.

You should be aware that the Licensing Authority is empowered in law to check with the Disclosure & Barring Service for the existence and content of ANY criminal record held in the name of the applicant. Information received from the Disclosure & Barring Service will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary

The disclosure of a criminal record or other information does not debar applicants from obtaining a licence unless the Council considers that the applicant is not a ‘fit and proper person’ to hold that licence.

In making this decision the Council will consider the nature of the offence(s), the period since convictions(s), at what age the offences were committed and any other relevant factors.

The Council will not be considering whether a person is guilty of the offence for which they have been convicted or cautioned for an offence but whether he or she is a ‘fit and proper person’.

This document can be revised at any time to reflect Acts of Parliament, new legislation, associated revisions to existing legislation and / or policy changes as approved by the Licensing Panel.



THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

Private Hire Operator Draft Policy & Conditions

This is a general guide that has been prepared for the assistance and guidance of Private Hire Operators. It does not stand on its own and The Royal Borough of Windsor and Maidenhead, its Officers and agents do not accept any responsibility for any loss occasioned by any person acting as a result of the material contained herein.

The law relating to Private Hire Operators is contained within the Local Government (Miscellaneous Provisions) Act 1976. Any previous policies and conditions are hereby revoked from the date this document is approved by the Licensing Panel.

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In these Conditions “Licensing Officers” means the Enforcement Principal, Team Leader Licensing, the Licensing Enforcement Officers and the Assistant Licensing Enforcement Officers of the Royal Borough of Windsor and Maidenhead. “Council” means the Royal Borough of Windsor and Maidenhead. “Authorised Officer” has the same meaning as section 80 Local Government (Miscellaneous Provisions) Act 1976.)

Applications for licences will only be accepted from applicants who intend to operate within the Royal Borough’s area.

1. GENERAL CONDITIONS

The Operator shall renew his Operators licence annually, prior to the expiry date of the licence.

2. RADIO EQUIPMENT

The Operator shall be (if applicable) in possession of a licence to transmit issued by the Radio Communications Agency/Department of Trade and Industry. The licence will be displayed on the company premises and a copy submitted annually to the Licensing Authority at the time of application/renewal.

3. INSURANCE

The Operator will have in force a current public and employees liability insurance policy. This will be displayed on the premises. A copy of the certificate will be submitted to the Licensing Authority at the time of application/renewal. This will not apply to single vehicle operators.

4. TOUTING & SOLICITING

- (a) An Operator shall not cause or permit any person to tout or solicit any person to hire or be carried for hire in any Private Hire vehicle.
- (b) The Operator shall not cause or permit the words ‘taxi’ or ‘cab’ on any Private Hire vehicle operated by him or operating under his operators licence, nor to be displayed on any premises used by him for the purpose of the licensed business.
- (c) New applicants will be subject to a satisfactory enhanced Disclosure Barring Services (DBS) check before an Operators licence can be issued. Current licence holders are required to have an enhanced Disclosure Barring Services (DBS) check every 3 years.
- (d) Applicants for 5 year licences, including current licence holders, must apply for an enhanced DBS check at the time of application and will then be required to have another check every 3 years, subject to the condition above.
- (e) The Operators licence must be displayed on the business premises and the Operator will, on the request of an authorised officer or any police constable, produce his operator’s licence for inspection.
- (f) The Operator must keep a legible manual or computerised record detailing the name, address and contact telephone number of every controller working for the Operator and keep a log of who is controlling every shift and the time periods they are working. The Operator shall be totally responsible for the conduct, appearance and actions of controllers operating under his licence.

5. CHANGES AND AMENDMENTS

- (a) The Operator must notify The Royal Borough of Windsor and Maidenhead, in writing, details of any convictions, cautions or motoring offences imposed on him (or if the Operator is a company or partnership, on any of the directors or partners) during the period of the licence within 7 days of the date of conviction or caution.
- (b) The licence holder must notify The Royal Borough of Windsor and Maidenhead, in writing, of any transfers in ownership/additional partners or changes in company name within 7 days of such change taking place.

Note: Please note that new owners or additional partners will be required to have an enhanced DBS disclosure. The transfer of the operator's licence will not be completed until the Licensing Officers have received a copy of the disclosure.

- (c) The licence holder shall notify The Royal Borough of Windsor and Maidenhead Borough Council, in writing, of any change to his home address, business address or operating base within 7 days of such change taking place - a fee will be charged for the production of an amended Operator's licence.

6. BUSINESS PREMISES

- (a) Any premises used by the Operator for the purpose(s) authorised by his Operator's licence shall have the appropriate planning permission for that use and the Operator shall comply with any conditions attached to such permission. If planning permission is not required, proof of exemption must be obtained before an Operator's licence can be issued.
- (b) **The Health Act 2006:** from 1st July 2007 smoking is banned in all premises where an operator's licence is held. More information regarding this can be found on www.smokefreeengland.co.uk.
- (c) Any customer waiting area must have sufficient seating and be adequately heated and ventilated in addition to being kept clean and tidy.

7. OPERATORS SIGNS AND LOGOS (VEHICLE SIGN)

- (a) A company sticker must be supplied for each vehicle operated under the terms of the Operator Licence and must be displayed in the middle of the front windscreen.
- (b) A copy of all signage must be deposited (by the Operator) with The Royal Borough of Windsor and Maidenhead prior to its use in or on a vehicle and must NOT be changed in any way thereafter without the written approval of The Royal Borough of Windsor and Maidenhead.

8. RECORD KEEPING

8.1 Bookings

The Operator must keep a **legible** manual or computerised record, of every booking accepted whether accepting the same from the hirer or undertaking it at the request of another licensed operator. The record shall be completed before the commencement of each journey and shall show the following particulars for each booking:-

- (a) The date and time the booking was received
- (b) The address at which the hiring is to commence
- (c) The date and time the hiring is to be commenced
- (d) The name of the person making the hiring
- (e) The address at which the hiring is to end
- (f) The licence number or call sign of the vehicle allocated
- (g) The name or the licence number of the driver of the vehicle allocated

The records shall be kept for a period of 6 months. These records must be accessible at all reasonable times for inspection by any authorised officer or Police Constable. Any computer program used must be able to reproduce a printed record.

8.2 Vehicle Records

The Operator must keep a legible manual or computerised record of all current Private Hire and Hackney Carriage vehicles used by them or operating under their Operator's licence.

- (a) The Private Hire or Hackney Carriage vehicle licence number
- (b) The name, address and telephone number of the person to whom the vehicle licence was issued
- (c) The make and registration of the vehicle
- (d) The date the vehicle was accepted under the Operator's licence
- (e) The date the vehicle ceased to accept work under that Operator's licence

The Operator must ensure that every vehicle working under the Operator's licence is covered by a valid certificate of insurance and a valid current Certificate of Compliance which must be no older than 28 days on issue of the Licence. A legible manual or computerised record of the following must be maintained:-

- (a) Current insurance certificate/cover note for all vehicles accepting work under the Operator's licence, including expiry dates
- (b) Certificate of Compliance including expiry date.

Should the insurance cover for any vehicle working under the Operator's licence be cancelled, suspended or lapse, or the Certificate of Compliance expire, without a new valid one being provided, then the vehicle must be immediately withdrawn from service as a private hire vehicle. The Council should be notified immediately of this action.

The records shall be kept for a period of 6 months. These records must be accessible at all reasonable times for inspection by any authorised officer or Police Constable. Any computer program used must be able to reproduce a printed record.

8.3 Driver Records

The Operator will maintain a list of all drivers currently working under the Operator's licence. The list must include:-

- (a) The full name, address and telephone number of the driver
- (b) Details of the vehicle that the driver uses including licence number and registration.
- (c) The date the driver commenced working under the Operator's licence
- (d) The date the driver ceased working under that Operator's licence
- (e) The call sign of all drivers

This list must be sent to the Licensing Officers every six months.

The records shall be kept for a period of 6 months. These records must be accessible at all reasonable times for inspection by any authorised officer or Police Constable. Any computer program used must be able to reproduce a printed record.

When an Operator is in the possession of an operator's licence from more than one licensing authority, then the records of the drivers, vehicles and bookings must be kept separately.

9. PENALTY POINTS

The Operators Licence is subject to the penalty points system in force in relation to the licence and the Operator is required to read and comply with the provisions of the system at all times.

10. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Special attention should be taken of the following provisions laid down in the Local Government (Miscellaneous Provisions) Act 1976. Copies of the Act can be obtained from H.M.S.O. P.O. Box 569, London, SE1 9NH.

10.1 Section 46 – Licences

1. No person shall in a controlled district operate any vehicle as a Private Hire vehicle without having a current operator's licence.
2. No person holding a current operator's licence shall in a controlled district operate any Private Hire vehicle:-
 - (a) if the vehicle has not been licensed by the district council; or
 - (b) if the driver has not been licensed by the district council.
3. If any person knowingly contravenes the provisions of this section he shall be guilty of an offence.

10.2 Section 56 – Procedure/Contract and Records

1. Every contract for hire of a licensed Private Hire vehicle shall be deemed to be made with the Operator who accepted the booking for that vehicle whether or not they provide the vehicle.
2. Every Operator shall keep a record and shall enter therein before the commencement of each journey such particulars of every booking of a Private Hire vehicle invited or accepted by him/her, whether by accepting the same from the hirer or by undertaking it at the request of another Operator and shall produce such record on request to any authorised officer of the Council or to any constable for inspection.
3. Every licensed Operator shall keep such records as the Council may, by conditions attended to the grant of the licence, prescribe of the particulars of any Private Hire vehicle operated by him/her and shall produce the same on request to any authorised officer of the Council or to any constable for inspection.
4. If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence.

10.3 Section 62 - Suspension, Revocation and Refusal of an Operator's Licence

The Council may suspend or revoke or refuse to renew an operator's licence on any of the following grounds:-

- (a) Any offence under non-compliance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976;
- (b) any conduct on the part of the operator which appears to the district Council to render him unfit to hold an operator's licence;
- (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- (d) any other reasonable cause.

The powers set out in 10.3.1 above may be exercised by the Licensing Officers subject to a right of appeal to the Council's Appeals Panel.

10.4 Section 73 – Obstruction of Authorised Officers

1. Any person who:-

- (a) willfully obstructs an authorised officer or constable acting in pursuance of this Act;-
or
- (b) without reasonable excuse fails to comply with any requirement properly made to him by such officer or constable; or
- (c) without reasonable cause fails to give such an officer or constable so acting any other assistance or information which he may reasonably require of such person for the purposes of the performance of his functions under this part of the Act or the Act of 1847;

shall be guilty of an offence.

PLEASE NOTE:

Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal to a Magistrates Court in respect of any requirement, refusal or any other decision of a Borough Council against which a right of appeal is conferred by the Act. A person wishing to exercise their right under this provision should make representation with 21 days of the date of the licence to the Magistrates Court.

THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

OPERATORS' LICENCES

GENERAL

This policy is relevant to the consideration of whether a person is “fit and proper” to hold a private hire operator licence.

NB – any reference to “convictions” in this policy will include cautions, endorsable fixed penalties and/convictions.

RELEVANCE OF CONVICTIONS

Where the applicant has a conviction which has not been rehabilitated in the terms of the Rehabilitation of Offenders Act 1974, the conviction will be taken into consideration before a licence is granted. Particular attention will be paid to any relevant convictions. A relevant conviction, for the purposes of this policy, is a conviction which would mean the operator is a risk to members of the public. This would include a conviction in any of the following (although the list is not exhaustive):

- (a) Violence
- (b) Indecency offences
- (c) Drug related offences
- (d) Dishonesty offences

Although each case will be assessed on its own merits, having regard to this policy there is an overriding issue of public safety. The Royal Borough of Windsor and Maidenhead will take this into consideration when deciding whether or not an individual is a “fit and proper” person to hold a licence. An unspent conviction will not automatically bar an applicant from obtaining a licence. When deciding whether to grant a licence the Royal Borough will consider the following:-

- i) The nature of the offence, for example whether it is a relevant conviction
- ii) The sentence given by the Court
- iii) The age of the conviction.

Some discretion may be appropriate if the conviction is isolated and there are mitigating circumstances. Similarly, multiple convictions or a series of convictions over a period of time are likely to give greater cause for concern and may indicate a pattern of inappropriate behaviour, which will be taken into account. Any applicant refused a licence on the grounds that they are not a “fit and proper” person to hold such a licence has a right of appeal to the Council’s Appeal Panel.

DISCLOSURE GUIDANCE / REQUIREMENTS

Applicants should note that to make a false statutory declaration is a serious criminal offence, punishable upon conviction by imprisonment for a term not exceeding two years or to a fine to be decided by the court or both. This statutory declaration may in certain circumstances be forwarded to the police for examination.

Applicants for operator's licences are required to declare **ANY** convictions or cautions including those regarded as "**Spent**" under the Rehabilitation of Offenders Act 1974.

The information you give will be treated in confidence and will only be taken into account in relation to your application.

You should be aware that the Licensing Authority is empowered in law to check with the Disclosure & Barring Service for the existence and content of ANY criminal record held in the name of the applicant. Information received from the Disclosure & Barring Service will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.

The disclosure of a criminal record or other information does not debar applicants from obtaining a licence unless the Council considers that the applicant is not a 'fit and proper person' to hold that licence. In making this decision the Council will consider the nature of the offence(s), the period since conviction(s) at what age the offences were committed and any other relevant factors.

The Council will not be considering whether a person is guilty of the offence for which they have been convicted or cautioned for an offence but whether he or she is a 'fit and proper person'.

This document can be revised at any time to reflect Acts of Parliament, new legislation, associated revisions to existing legislation and/or policy changes as approved by the Licensing Panel.

REHABILITATION OF OFFENDERS ACT 1974 SENTENCE BECOMES SPENT AFTER

For a sentence of Imprisonment or youth custody exceeding 6 months but not exceeding 30 months	10 years
For a sentence of imprisonment or youth custody not exceeding 6 months	7 years
For a sentence of borstal training 7 years	7 years
For a fine or other sentence not otherwise covered in this table. 5 years	5 years
For an absolute discharge 6 months	6 months
For a probation order, conditional discharge or bind over; and for fit person orders, supervision orders or care orders under the Children and Young Persons Act (and their equivalents in Scotland)	5 years or 2½ years, if under 18 years of age at the time of conviction, or until the order expires (whichever is the longer)
For cashiering, discharge with ignominy or dismissal from the Armed Forces	10 years
For simple dismissal from the Armed Forces	7 years
For detention by the Armed Forces	5 years

For detention by direction of the Home Secretary:-

SENTENCE	BECOMES SPENT AFTER
For a period exceeding 6 months but not exceeding 30 months	5 years
For a period not exceeding 6 months	3 years
For a remand home order, an approved school order, or an attendance centre order The period of the order plus a further year after the order expires.	The period of the order plus a further year after the order expires
For a hospital order under the Mental Health Acts	The period of the order plus a further 2 years after the order expires (with a minimum of 5 years from the date of conviction).

NOTES

- (i) A sentence of more than 30 months imprisonment or youth custody can never become spent.
- (ii) If you were under 17 years of age on the date of conviction for any of the sentences except those under the heading "For detention by direction of the Home Secretary" please halve the period shown in the right-hand column.
- (iii) It is immaterial for the purposes of calculating for a spent conviction whether a sentence is suspended or not.

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APPENDIX D - CONSULTATION RESPONSE

14/12/15

Dear Mr Chairman,

This letter is regarding some issues we would like to be brought up at the next panel meeting.

~~1. Vehicle's RBWM logo: When we were consulted in 2011, we were shown an A4 size logo sticker (as attached) that would go on the front doors which would cost £5/10. But when the new licenses came after the deregulation of the Hackney carriage policy, the licensing department started putting a large logo, which was originally designed for bin lorries.~~

The logo cost was originally included in the license fee and existing license holders were told by the licensing officer that they would be given the logo the first time without charge, when they changed their vehicle and they had done this until last month.

Now the licensing department have started charging the existing drivers £170, without any consultation. We request the panel to make the licensing department, introduce a smaller sized logo sticker to the original planned A4 size, and which is also cheaper. Especially since, they are introducing one licensing sticker to be displayed inside the vehicle, there is no need for a bigger logo outside, since there is no benefit to the customer or the trade. But if the panel think the large outside logo is necessary, then we request the panel to fund these from the public fund, due to the cost of these large stickers.

~~2. Licensing badge: All other councils in the country are introducing a 3 year badge, to reduce cost. In neighbouring council's the renewal cost is about £220/£230 for 3 years. We request the panel to follow other councils with the introduction of a 3 year renewal option which is both attractive and cheaper, especially since the amount of admin cost which would be saved.~~

3. DVLA database check: From June 2015 this service is free from the DVLA website, we wonder how the council can charge us £7.5 for this service which is free. We request the panel to remove these charges and make the council refund this fee to the drivers.

4. Temporary licence fee: The licensing department want to raise this by 50%. However we were given a taxi fare rise of 3% last time. So if the council are going to raise this fee, this should be in keeping with the rate of inflation rather than a 50 % increase. The price currently is £80, but the council want to increase this to £120.

~~5. Fare rise: If the panel let the licensing fee rise by 50% then we request the panel to raise our taxi fare as well. If that fee is to go up by 50% then we request the panel to raise our taxi fare by 80p per journey. If the licensing fee does not go up by 50% then~~

~~we want just 40p per journey, 40p per extra passenger and baggage. These charges have been worked out on the attached fare template.~~

~~6. Abolition of the taxi Marshall: Now the Victoria Street, Windsor rank has been established we don't need the taxi marshalls'. Only 15% of drivers use that rank. Why should the rest of us pay if we don't use it? If the panel think it is good for public places, than the council should fund them from the public fund. Also the charge when introduced was £60 per the 96 drivers, now there are 189 drivers, so surely the cost should have been reduced by half. Therefore the council have currently been generating an extra £5580 since the deregulation of the Hackney policy, so where has this extra money been going?~~

~~7. Weekend private hire office under the arches: When it was introduced there were only 25 taxis now we there are 189. More than 100 of which are working in Windsor on weekends, So there is no longer a need for the private hire office, which originally didn't have any planning. There simply isn't enough demand for 100 hackney carriages plus the additional private hire, so the private hire office should be moved.~~

8. Medical checks for over 65: Currently the policy for medical checks is every 5 years, but the licensing department wants to introduce a medical check for every year after the age of 65. But rather than every year, this should surely be 2 yearly, since the retirement age is increasing.



Yours sincerely

Mohammad Yasin
Chairman of RBWM taxi association

Current taxi fare chart:

Royal Borough of Windsor and Maidenhead Hackney Carriage Tariff			
DISTANCE			
For the first 1066 yards (975m) or part thereof	£2.80	Soiling Interior of Vehicle	£80.00
For each subsequent 200 yards (182.88m) or uncompleted part thereof	20p	Soiling Exterior of Vehicle	£20.00
WAITING TIME		11 p.m. to 6 a.m. and Bank Holidays	50% above the normal rate or fare
For each period of 46 seconds or uncompleted part thereof provided that where a hiring by distance terminates at the place at which it commenced, the rate of fare for which the proprietor or driver shall be entitled to demand and take for the hiring shall be three quarters of the rate or fare prescribed by the foregoing table.	20p	For any hiring when part of the hirer's journey takes place between the above hours or during Bank Holidays	
EXTRA CHARGES		<i>None of the stated fares will apply if the hirer at the commencement of the hiring expresses his desire to engage by time.</i>	
Booking Fee			
For each hiring under Section 67 of the Local Government (Miscellaneous Provisions) Act 1976	£1.00	<i>Where a Hackney Carriage furnished with a taximeter is hired by distance the driver is not entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for extra charges authorised by the above table which may not be recorded on the face of the taximeter.</i>	
LUGGAGE			
For each package carried outside the vehicle	20p		
EXTRA PASSENGERS			
Extra Passengers for Each Person Carried Above the Number of Two for the Whole or Part of the Distance	20p	Any complaints or other communications should be sent to Licensing, Town Hall, St Ives Road, Maidenhead, SL6 1RF	
AUGUST 2014			

Proposed changes for 40 pence rise, plus 40 pence for extra passenger above one and baggage.

Royal Borough of Windsor and Maidenhead Hackney Carriage Tariff			
DISTANCE			
For the first 866 yards (792m) or part thereof	£3.00	Soiling Interior of Vehicle	£80.00
For each subsequent 200 yards (182.88m) or uncompleted part thereof	20p	Soiling Exterior of Vehicle	£20.00
WAITING TIME		11 p.m. to 6 a.m. and Bank Holidays	50% above the normal rate or fare
For each period of 46 seconds or uncompleted part thereof provided that where a hiring by distance terminates at the place at which it commenced, the rate of fare for which the proprietor or driver shall be entitled to demand and take for the hiring shall be three quarters of the rate or fare prescribed by the foregoing table	40p	For any hiring when part of the hirer's journey takes place between the above hours or during Bank Holidays	
EXTRA CHARGES		<i>None of the stated fares will apply if the hirer at the commencement of the hiring expresses his desire to engage by time.</i>	
Booking Fee			
For each hiring under Section 67 of the Local Government (Miscellaneous Provisions) Act 1976	£1.00	<i>Where a Hackney Carriage furnished with a taximeter is hired by distance the driver is not entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for extra charges authorised by the above table which may not be recorded on the face of the taximeter.</i>	
LUGGAGE			
For each package carried outside the vehicle	40p		
EXTRA PASSENGERS			
Extra Passengers for Each Person Carried Above the Number of one for the Whole or Part of the Distance	40p	Any complaints or other communications should be sent to Licensing, Town Hall, St Ives Road, Maidenhead, SL6 1RF	

Proposed changes for 80 pence rise, plus 40 pence for extra passenger above one and baggage

Royal Borough of Windsor and Maidenhead Hackney Carriage Tariff			
DISTANCE			
For the first 466 yards (426m) or part thereof	£3.00	Soiling Interior of Vehicle	£80.00
For each subsequent 200 yards (182.88m) or uncompleted part thereof	20p	Soiling Exterior of Vehicle	£20.00
WAITING TIME		11 p.m. to 6 a.m. and Bank Holidays	50% above the normal rate or fare
For each period of 46 seconds or uncompleted part thereof provided that where a hiring by distance terminates at the place at which it commenced, the rate of fare for which the proprietor or driver shall be entitled to demand and take for the hiring shall be three quarters of the rate or fare prescribed by the foregoing table.	40p	For any hiring when part of the hirer's journey takes place between the above hours or during Bank Holidays	
EXTRA CHARGES		<i>None of the stated fares will apply if the hirer at the commencement of the hiring expresses his desire to engage by time.</i>	
Booking Fee		<i>Where a Hackney Carriage furnished with a taximeter is hired by distance the driver is not entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for extra charges authorised by the above table which may not be recorded on the face of the taximeter.</i>	
For each hiring under Section 67 of the Local Government (Miscellaneous Provisions) Act 1976	£1.00		
LUGGAGE			
For each package carried outside the vehicle	40p		
EXTRA PASSENGERS		Any complaints or other communications should be sent to Licensing, Town Hall, St Ives Road, Maidenhead, SL6 1RF	
Extra Passengers for Each Person Carried Above the Number of one for the Whole or Part of the Distance	40p		



Alan Barwise,
Team Leader- Licensing,
Royal Borough of Windsor and Maidenhead,
York House,
Sheet Street,
Windsor,
Berkshire,
SL4 1DD.

24th November 2015

Dear Alan,

Proposed Changes to Private Hire Licensing Conditions

Further to your email outlining proposed changes to the above, the directors of Windsor Cars wish to make known their objections to the proposal as outlined in the following submission :

All of Windsor Cars' drivers have been consulted and their response has been unanimous. Should you wish to discuss anything further I would be more than happy to act as spokesman on their behalf, as you indicated may be the case at any future meeting.

Kind regards,

Brian Truman
Sales Director

Re Proposed Changes to Council's Licensing Decisions

1. *Medicals for Drivers*

It is now and always has been a requirement for a driver to inform the Council should they believe they have a medical problem which may affect their ability to drive a private hire vehicle. You appear to be plucking a figure, ie, 65 years of age, out of the air, which would indicate when a driver reaches this age he is no longer capable of fulfilling this requirement, which is totally wrong. I appreciate it is in the interests of all parties that a driver should be medically fit, but the hitherto requirements that a driver should inform the council of any disability should be suffice. Therefore, we reject such a proposal.

2. *Internal Identification Plates*

These may be considered a requirement for Hackneys picking up total strangers from the street ! Windsor Cars Ltd has based its business largely on blue-chip companies, five and four star hotels, whose clients demand a certain amount of discretion, ie, dispensation from displaying council license plates. All bookings must be pre-booked either by telephone, Email, or our on-line facility, and our vehicles can already be identified by a Windsor Cars sticker in the windscreen, drivers who wear company logo ties, and carry the RBWM driver badge, and if required, a "call on arrival" system is utilised. Therefore, we strongly believe additional signage within the vehicle is not required nor practical.

3. *Temporary Vehicle License*

At the very time a driver may be subject to additional financial restraint through no fault of his own, we believe an increase of 50% in processing fees cannot be justified.

4. *Road Knowledge Tests*

These are applicable only to Hackneys. Therefore, we believe that a fare of £16.00 is more than adequate to ascertain that private hire drivers are aware of the council conditions and policies.

5. *Annual Driver Checks*

Yet more unwarranted inconvenience, expense, time and paperwork ! Other than the council, we fail to see who would gain by a yearly DVLA check and new badge, bearing what would probably be an un-changed picture of the driver, and again, would be at the expense of the driver.