



Winchester

City Council

Statement of Licensing Policy
with respect to
Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire
Operators

Version 7 – reviewed January 2017

Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

Contents

Introduction	Section 1	Page 1
Hackney Carriage Vehicles	Section 2	Page 3
Private Hire Vehicles and Operators	Section 3	Page 5 & 6
Hackney and Private Hire Driver Licences	Section 4	Page 7
Hackney Carriage and Private Hire Driver Licences Convictions Policy	Section 5	Page 13
Enforcement and Compliance	Section 6	Page 19
Criminal Convictions Table of Offences	Appendix A	Page 24
Motoring offences	Appendix B	Page 26
Glossary		Page 28

1 Introduction

- 1.1 This information is intended to provide guidance on the licensing requirements in the Winchester City Council district under the Town Police Clauses Act 1847, as amended, and Part II of the Local Government (Miscellaneous Provisions) Act 1976. Attention is also drawn to certain provisions of the Transport Acts 1980, 1981 and 1985, and Regulations made under the Road Traffic Acts.
- 1.2 It is not intended to be an exhaustive or definitive statement of the law and all drivers, operators and proprietors should familiarise themselves with the provisions of the relevant Acts, local byelaws and conditions.
- 1.3 Winchester City Council is the Licensing Authority for hackney carriages, private hire vehicles, their drivers and private hire operators.
- 1.4 Winchester City Council reserves the right to depart from this Policy if there are, in its reasonable opinion, exceptional or compelling reasons to do so.

2 Enquiries

- 2.1 All correspondence, applications and enquiries should be addressed to the Licensing Manager, Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ. If you wish to see a licensing officer, an appointment can be made by telephoning 01962 848 179 / 848 443.

3 Types of Licences

- 3.1 A hackney carriage (taxi) may be used to ply for hire at an authorised taxi rank, pick up passengers when “flagged down” in the street, and when pre-booked.
- 3.2 A hackney carriage may be licensed to carry up to a maximum of 8 passengers.
- 3.3 The number of saloon vehicles is limited. All other hackney carriages must be capable of carrying a wheelchair and passenger. In these cases the number of passengers which may be carried is reduced.
- 3.4 A hackney carriage driver’s licence is a combined licence allowing the holder to drive both hackney and private hire vehicles.
- 3.5 Hackney carriages are also regulated by Byelaws with respect to hackney carriages and conditions made by the Licensing Authority.

- 3.6 A private hire vehicle may only be pre-booked via a private hire operator. Such vehicles may not ply for hire or take bookings other than via an operator.
- 3.7 A private hire vehicle may be licensed to carry up to a maximum of 8 passengers. There is no requirement for such vehicles to be able to carry wheelchair bound passengers, although many do.

4 Licence Fees

- 4.1 The fees charged by the Council for licences cover Licensing Authority's costs of administering the licensing process. Hackney Carriage and Private Hire Driver licences are issued annually for the first three years and then can be renewed for one year or three years. New Private hire Operator licenses are issued for one year and then can be renewed for one or for five years. All other licences are renewed annually. The fees are periodically reviewed. The Current fees can be found on the Council's website at:

www.winchester.gov.uk/licensing

5 Hackney Carriage Vehicles

- 5.1 When first presented for licensing as a hackney carriage, the vehicle must be within certain age limits:
- a All vehicles, both saloon and purpose built, when licensed for the first time must be less than ~~three~~five years from the date of first registration. ~~The Vehicle can remain in use for six years from the date of first registration after which it may be renewed on a year by year basis at the discretion of an Authorised Officer.~~
 - b All hackney carriage vehicles presented for licensing for the first time must be wheelchair accessible vehicles (WAV), except in cases where the vehicle is to replace an existing saloon vehicle which is already licensed.
 - c ~~Once the Vehicle is six years old and every year thereafter, renewal~~ the vehicle must be presented to an Authorised Officer for an inspection for its appearance and suitability, ~~prior to testing at the nominated garage and renewal of the licence.~~ Any vehicle that is not to the satisfaction of an Authorised Officer must be repaired, ~~prior to the expiry date within the time specified,~~ or replaced, ~~subject to the age limits above.~~
- 5.2 Purpose built and conversion vehicles should also be capable of carrying a wheelchair securely with seats that slide on rails, or individual seats that can be removed, or flip down seats, to allow more room for luggage and wheelchairs or both. ~~The first row of s~~Seats behind the driver must not be a bench seat.
- 5.3 All vehicles, other than saloons, must be capable of carrying a wheelchair ~~with its occupant and its passenger,~~ and a minimum of ~~three~~one other passengers, and at least ~~five~~four passengers when not carrying a wheelchair or at any other time.
- 5.4 A converted vehicle must meet “M1” specification and should have a certificate of conversion from a reputable company and a voluntary Individual Vehicle Approval (IVA) application must be submitted to the DVLA. A converted vehicle will not be licensed without confirmation of this.
- 5.5 Wheelchairs must be capable of being secured in the vehicle with the passenger in a forward or rearward facing position.
- 5.6 Saloon vehicles must be capable of carrying four passengers.
- 5.7 Prior to licensing, the vehicle must undergo a mechanical inspection at a testing station specified by the Licensing Authority.
- 5.8 The Vehicle may be called in for inspection at any time by an Authorised Officer to ensure compliance. Failure to attend and show

any documentation as requested may lead to penalty points being issued under this Policy or to the suspension or revocation of licence under Section 68 of the Act.

- 5.9 All vehicles must have at least four doors. Saloon vehicles must have four doors in addition to any tailgate.
- 5.10 The engine capacity must be not less than 1600 cc. The Head of Licensing may depart from this section of the Policy where an applicant can produce evidence of a vehicle that has a similar power to weight ratio to a 1600cc vehicle, or, where the vehicle is environmentally friendly.
- 5.11 All vehicles must be right hand drive. In exceptional circumstances a licence may be granted for a left hand drive vehicle.
- 5.12 Where a licensed vehicle is involved in an accident and classes as a 'write off' under Category C or D, all vehicles must pass a further mechanical inspection check by a nominated testing station and paperwork must be provided to the Licensing section before the vehicle is returned for use to carry passengers for hire.

6 Private Hire Vehicles

When first presented for licensing as a private hire vehicle, the vehicle must be within certain age limits:

- a All vehicles, both saloon and purpose built, when licensed for the first time must be less than five years from the date of first registration. ~~The Vehicle can remain in use for six years from the date of first registration after which it may be renewed on a year by year basis at the discretion of an Authorised Officer.~~
 - b ~~Once the Vehicle is six years old and every year thereafter, renewal~~ the vehicle must be presented to an Authorised Officer for an inspection for its appearance and suitability ~~prior to testing at the nominated garage and renewal of the licence.~~ Any vehicle that is not to the satisfaction of an Authorised Officer must be repaired, ~~prior to the expiry date within the time specified,~~ or replaced, ~~subject to the age limits above.~~
 - c A converted vehicle should have a certificate of conversion from a reputable company and will not be accepted without such a document.
 - d In exceptional circumstances these age limits may be waived. For example, a classic car or executive vehicle in excellent condition.
- 6.2 All vehicles must have at least four doors. Saloon vehicles must have four doors in addition to any tailgate.
- 6.3 The engine capacity must be not less than 1600 cc. The Head of Licensing may depart from this section of the Policy where an applicant can produce evidence of a vehicle that has a similar power to weight ratio to a 1600cc vehicle, or, where the vehicle is environmentally friendly.
- 6.4 In exceptional circumstances, an exemption certificate may be granted to dispense with the requirement to display the licence plate. This will only be granted where satisfactory proof of “executive hiring” has been received by the Licensing Authority.
- 6.5 All vehicles must be right hand drive. In exceptional circumstances a licence may be granted for a left hand drive vehicle.
- 6.6 Where a licensed vehicle is involved in an accident and classed as a ‘write off’ under Category C or D, all vehicles must pass a further mechanical inspection check by a nominated testing station and paperwork provided to the Licensing section before the vehicle is returned for use to carry passengers for hire.

7 Private Hire Operators

- 7.1 A private hire operator dispatches a private hire vehicle to a customer. An operator may have just one or a fleet of vehicles under his control.
- 7.2 An applicant for a private hire operator licence must be a “fit and proper person” to hold such a licence.
- 7.3 Pursuant to the Immigration Act 2016, applicants must prove that they have a “right to work” in the UK. Failure to provide satisfactory documentation will result in the application being refused.
- 7.4 The Licensing Authority reserves the right to provide documentation or information to the Home Office where it is considered appropriate to do so in the interests of complying with legislation or to protect the public.
7.2
- ~~7.37.5~~ The exemption to the Rehabilitation of Offenders Act 1974 does not apply, therefore a An applicant must supply a Basic Disclosure from the Disclosure and Barring Service (DBS). The disclosure is required on application for the grant of a licence and every three years thereafter.
- 7.47.6 A Basic Disclosure can be obtained either online at :-
www.disclosurescotland.co.uk or an application form can be requested by telephone – 0870 609 6006 or by writing to :-
Disclosure Scotland
PO Box 250
Glasgow
G51 1YU
- 7.7 An applicant for a private hire operator licence who also holds, or is applying for a private hire driver licence, is required to have an enhanced DBS check when applying for the driver licence. Therefore it will not be necessary for the applicant to have a further check for the operator application.
- 7.57.8 All new applicants must provide a copy of their complaints procedure which must be to the satisfaction of the Licensing Authority prior to any licence being issued.
- 7.67.9 In order for the Licensing Authority to review the conduct of new private hire operator licence holders, new applicants will be granted a licence for one year. On renewal, a licence may be granted for one year or five years, depending on the case. The Council reserves the right to withhold issuing a five year licence where there are reasonable grounds to do so.

8 Hackney Carriage and Private Hire Driver Licences

8.1 Ability to Communicate in English

- a Licence holders will need to be able to deal with passengers and must therefore be able to understand and converse in English to an adequate standard for this purpose. This is assessed by means of the written knowledge test and interview with a licensing officer.

8.2 Driving Licence

- a Applicants must be 21 years of age or more and have held a full driving licence for at least 12 months, granted by a country which belongs to the European Union or is within the European Economic Area (Iceland, Liechtenstein, and Norway are not in the EU, but are members of the EEA). An applicant from any country outside of these is required to pass a U.K. driving test and hold a full driving licence for at least 12 months before re-applying.

~~b All new applicants, and all current drivers when due for a Disclosure and Barring Service (DBS) check, are required to sign a mandate to allow an authorised officer to request information contained on their driving licence. Refusal to sign this mandate will result in refusal to grant or renew a hackney carriage and/or private hire driver's licence.~~

~~eb All applicants must sign the Licensing Authority's consent form to allow Officers to check online: - vehicles the applicant is entitled to drive and any penalty points or disqualifications. Failure to consent to Officers obtaining this information shall result in the application being refused.~~

8.3 Entitlement to Work in UK

a Pursuant to the Immigration Act 2016, applicants must prove that they have a "right to work" in the UK. Failure to provide satisfactory documentation will result in the application being refused.

~~a The Council co-operates with the Home Office and will scan any documents required to accompany the application and forward them to the Home Office to ensure that applicants are entitled to work as a hackney carriage/private hire driver in the UK.~~

b The Licensing Authority reserves the right to provide documentation or information to the Home Office where it is considered appropriate to do so in the interests of complying with legislation or to protect the public.

8.4 Assessing Applicants' Fitness and Propriety

- a All new applicants must supply details of two referees from whom references may be obtained by the Licensing Authority. Referees must not be a member of the applicant's family or connected with the taxi trade. At least one reference should be from a previous employer.
- b Applicants who were not born in the U.K. and/or have not lived in the U.K. for 10 years must supply a certificate of good conduct from their embassy or home country. This certificate must be no more than two months old when submitted to this Council.

8.5 Disclosure and Barring Service (DBS) Check

- a All applicants must complete and submit with their application a Disclosure and Barring Service application form for an enhanced check. This form is submitted to the DBS by the countersignature for the Council, any convictions disclosed will be taken into account in deciding whether or not to grant the application in accordance with the Policy on Criminal Convictions. The Head of Environmental Health & Licensing may also contact the Police for further information surrounding a conviction or caution and use this information when deciding whether an applicant is a "fit and proper person". Such checks shall be carried out on initial application and on renewal every three years.
- b Notwithstanding the Licensing Authority's requirements for a Disclosure and Barring Service check, applicants **MUST** disclose full details of any criminal convictions (including any "spent" convictions under the Rehabilitation of Offenders Act 1974), or cautions, on the application form. An applicant's failure to disclose convictions or cautions which are subsequently disclosed under the Disclosure and Barring Service check will be taken into account when considering their application. Failure to notify a conviction on an application form is also a criminal offence.
- c The Licensing Authority encourages drivers to register with the DBS online system which allows, with the applicant's permission, Officers to check their DBS status every three years, without the requirement to complete a new DBS application form. However, where the DBS online system shows that there has been a change to the applicant's record, a new enhanced DBS application must be completed and countersigned by a Licensing Officer.

ed In the case of renewals, where an applicant is unable to produce a satisfactory DBS certificate or online equivalent using the DBS update service, within one month prior to the expiry date of their current licence, the licence will not be renewed.

8.6 Driving Standards

- a In addition to possessing a driving licence issued by a relevant country, all new applicants are required to undertake the Blue Lamp Trust taxi

~~driving assessment test~~ ~~Driving Standards Agency (DSA) Taxi Assessment Test~~ (or any other driving assessment or training, which the Licensing Authority considers appropriate ~~e.g. Blue Lamp Trust~~) and produce a pass certificate.

- b Contract drivers licensed for Schools and Disabled Contracts, where the contracting authority carries out its own assessment of driving standards, are exempt from this requirement.
- c The Licensing Sub-Committee and the Head of Environmental Health & Licensing are authorised to require any licensed hackney carriage or private hire driver to undergo and pass a ~~DSA Taxi Assessment Test or any other~~ driving assessment test or training, which is considered appropriate e.g. Blue Lamp Trust, where satisfied that the driver's standard of driving or general conduct are such that an assessment is desirable.

8.7 Knowledge Test.

- a All applicants are required to take and pass the Private Hire and Hackney Carriage Knowledge Tests. Tests are conducted by the Licensing Authority on a regular basis, usually once a month.
- b Private Hire Knowledge Tests are used to examine an applicant's knowledge of streets, public houses, hotels and other important locations within the Winchester Town area (i.e the six Town Wards together with Oliver's Battery and Badger Farm, Kings Worthy, Headbourne Worthy and Littleton and Harestock) – in addition to the other town and villages within the Council's district.
- c Hackney Carriage Knowledge Tests are used to examine an applicant's knowledge of the whole of the Winchester City Council area which runs from Sutton Scotney to the north, Portsdown Hill to the south, Hursley to the west and West Meon to the east.
- d In relation to 8.7 a and b above, applicants must detail the shortest available route.
- e The test may ~~also~~ contain a basic numeracy element to ensure that the driver can give the correct change for a fare. The test may also include questions about Hackney Carriage and Private Hire legislation; the Council's Policy and Conditions; safeguarding and disability awareness.
- f The Head of Environmental Health & Licensing may include additional modules to the knowledge test where it is considered appropriate or necessary to ensure that the applicant is a 'fit and proper person' and in the interests of public safety.
- e

~~fg~~ The pass mark for ~~both all~~ tests is 80% in each section. ~~Applicants who achieve between 75% and 79% may undertake a further verbal test with a Licensing Officer, comprising 10 questions. Applicants who answer 8 questions or more correctly will be treated as having passed the Knowledge Test.~~

~~gh~~ If an applicant fails the private hire and/or hackney carriage ~~written~~ knowledge test three times, the applicant must wait a period of no less than 6 months from the date of the third test before taking another test.

~~i~~ ~~Drivers not operating within the Winchester Town area are not required to take a private hire knowledge test, Where an applicant applies to work for an operator who does not primarily provide a service in the Winchester Town area, certain modules of the test may not be required, i.e. shortest routes, but will be required to do so if they transfer to a Winchester operator.~~

~~hj~~ ~~Where an applicant opts to amend their working practices in order to work for, or as, a Winchester Operator then they shall notify the Licensing Authority and pass the relevant knowledge test prior to commencement.~~

~~k~~ Drivers licensed for School ~~contracts~~ and Disabled passengers only, ~~will only be required to pass modules which are relevant to the work that they will be undertaking, Where the contracting authority carries out its own assessment of the required knowledge, applicants~~ are exempt from the requirement to undergo a knowledge test.

~~l~~ ~~In circumstances where a licensed driver's knowledge or conduct is in question, such as following a complaint, an Authorised Officer or Licensing Sub Committee may require a driver to complete relevant modules of the knowledge test within a time specified.~~

~~m~~ ~~The Head of Environmental Health & Licensing may require current licence holders to pass relevant modules of the knowledge test where it is considered necessary to ensure that they are a fit and proper person and/or in the interests of public safety.~~

~~j~~ An applicant who was previously licensed with this Council less than three years from the date of application who originally passed the knowledge test will not be required to re-take the knowledge test.

8.8 Practical Knowledge Test

a All new applicants who have passed the DSA Taxi Assessment Test and knowledge test, prior to being issued a licence, must arrange with a licensing officer to have a practical knowledge test. This test is required to allow the applicant to prove that they have a good knowledge of the area whilst driving their vehicle. Should the applicant demonstrate a

poor knowledge of the area, they will not be issued with a licence and are advised to spend a reasonable amount of time driving around Winchester and surrounding areas, before making a further appointment to demonstrate their increased knowledge.

- b The licensing officer will determine whether an applicant has demonstrated a 'good knowledge of the area'.

8.9 Medical Fitness

- a All applicants must undergo a medical examination with regard to their fitness to carry fare paying passengers and must provide a medical assessment form completed by the examining doctor. This must be provided to the Licensing Authority no later than 28 days from the date of the examination.
- b Such examination is to be carried out on initial application and every fifth year thereafter until the age of 63 years and 65 years, and every year thereafter.
- c The examination must take place at the surgery where the applicant is registered in order that the examining doctor has access to their medical records, or, at another surgery provided that the examining doctor has access to the applicant's medical records.
- d The Licensing Sub-Committee and the Head of Environmental Health & Licensing have discretion to require any licensed hackney carriage or private hire driver to undergo a medical examination where satisfied that a condition has arisen which might affect the person's fitness to hold a licence.
- e The Drivers Medical Group of the Driver and Vehicle Licensing Agency recommends that the DVLA Group 2 medical standards should be applied by local authorities to taxi and private hire drivers. This recommendation has been adopted by the Council. Therefore, all hackney carriage and/or private hire drivers licensed by Winchester City Council must meet the Group 2 medical standards.
- f Where the applicant has been diagnosed with Diabetes Mellitus, other than treatment by diet only, applicants must provide on renewal of their hackney carriage and/or private hire driver licence, or every 12 months in the case of a driver with a 3 years driver licence (when a medical report is not due) confirmation that they meet the Group 2 medical standards of fitness to drive in the form prescribed by the Licensing Authority. This must be signed by the applicant's registered GP or a diabetic consultant.
- g A new applicant's standard of acuity of vision, using corrective lenses if necessary, is considered unsatisfactory if it is below 6/9 in the better

eye or 6/12 in the other eye. Also, the uncorrected acuity in each eye must be at least 3/60.

- h Complete loss of vision in one eye or corrected acuity of less than 3/60 in one eye will bar the applicant from holding a hackney carriage or private hire driver licence.
- i Persons who have held a hackney carriage or private hire driver licence prior to 5 February 2008 must have a visual acuity of at least 6/12 in one eye and 6/36 in the other.
- j Persons who have held a hackney carriage or private hire driver licence prior to 1 January 1991, AND where the licensing officer was aware of the loss of sight in one eye before that date are exempt from “h” above.

8.10 New applicants

- a If an applicant has not fulfilled all of the above criteria within 12 months of submitting an application to driver a hackney carriage and/or private hire vehicle, the application will be refused.
- b Where an applicant has been refused a licence due to failing the knowledge test three times and not completing the above criteria within 12 months, applicants must wait no fewer than 3 months from the date of refusal before re-submitting an application for a licence to drive a hackney carriage and/or private hire vehicle.

8.11 Duration of licence

- a In order for the Licensing Authority to review the conduct of new hackney carriage and/or private hire drivers, new licenses are granted annually for the first three years. After the initial three year period, on renewal, a licence may be granted for one or three years, depending on the case. The Licensing Authority reserves the right to withhold issuing a three year licence where there are reasonable grounds to do so.

9 Hackney Carriage and Private Hire Driver's Licences Criminal Convictions Policy

9.1 This Policy applies to the following:-

- a Applications for a Hackney Carriage or Private Hire Driver's Licence;
- b Revocation of an existing Hackney Carriage or Private Hire Driver's Licence;
- c Suspension of an existing Hackney Carriage or Private Hire Driver's Licence.

9.2 Each case will be decided on its own merits. All decisions will be in the interests of ensuring the safety of the public.

9.3 A person with a conviction for certain crimes will not normally be permanently barred from obtaining a licence but is expected to remain free of conviction for between 3 and 10 years, depending on the seriousness of the offence and the relevant circumstances, before an application is considered. However, persons with convictions of a sexual or child-related nature or other very serious crime will not normally be issued with a licence. (See table at Appendix A)

9.49.5 Winchester City Council reserves the right to extend the number of years free from conviction or caution depending on the severity and/or the number of offences.

9.59.6 Offences will not necessarily be disregarded on the basis that they are "spent" convictions according to the relevant provisions of the Rehabilitation of Offenders Act 1974. These provisions do not apply to Hackney Carriage and Private Hire Drivers but whether or not Winchester City Council considers that the safety of the public may be put at risk if a licence was granted.

9.69.7 Applications would not normally be approved from licensed drivers who had been convicted of an offence specified in Appendix A, Tables 2 to 5, of the Policy. This was where the offence was carried out whilst the applicant was acting as a hackney carriage or private hire driver, or where commissioning of the offence related to the applicant's driver's licence

9.79.8 A person who has received a caution for certain crimes will not normally be barred from obtaining a licence but each case will be considered on its merits in accordance with this policy. As cautions are administered for the less serious offences **and** the person will have admitted the offence and agreed to receive a caution, a licence may be issued but strict warnings will be given as to future behaviour.

- | ~~9.89.9~~ The Licensing Authority may exercise discretion where an offence is isolated and there are mitigating circumstances. However, the overriding consideration in all cases is the protection of the public.
- | ~~9.99.10~~ The Head of Environmental Health & Licensing may contact the Police for further information surrounding a conviction or caution and use this information when deciding whether an applicant is a “fit and proper person”.
- | ~~9.109.11~~ The Head of Environmental Health & Licensing has delegated authority to issue Drivers’ Licences. In any case where he or she considers it appropriate, he or she may refer the application to the Licensing Sub Committee for a determination as to whether or not an application for a licence should be granted or, where a licence has already been granted, whether that licence should be suspended or revoked.
- | ~~9.119.12~~ The Licensing Authority accepts that where an applicant or licence holder has been found guilty of a criminal offence, the Court will have imposed what it considers to be an appropriate penalty for that offence. Accordingly, in considering convictions for such offences, the Sub-Committee dealing with a case should not ‘re-try’ any offence for which the applicant or licence holder has pleaded guilty or been found guilty by a court of law. However, it should take into account the type and nature of the offence, and the penalty imposed, and should bear in mind the fact that the paramount consideration is the protection of the public.
- | ~~9.129.13~~ For the same reason, offences will not be disregarded simply on the basis that the offender has served his or her sentence, and has therefore paid the appropriate penalty for his or her crime. In considering whether to grant an application for a licence, or to revoke an existing licence, the Sub-Committee will be determining whether or not the public would be adequately protected should a licence be granted or not revoked, rather than whether to impose a penalty.
- | ~~9.139.14~~ The Licensing Authority considers that in determining applications for Hackney Carriage and Private Hire licences, or deciding whether to revoke or suspend such licences, the Sub-Committee proceedings constitute “proceedings before a quasi-judicial authority” within the meaning of Section 4(6) of the Rehabilitation of Offenders Act 1974, and therefore, where the Sub-Committee hearing a case considers that justice cannot be done except by admitting evidence relating to spent convictions, such evidence may be admitted in accordance with Section 7 of that Act. Given the need to protect the public, it is likely that in the case of spent convictions involving serious offences. (e.g. death by dangerous driving, drugs, violence, sexual

offences or offences of an habitual nature), evidence of such convictions will be admitted.

9.149.15 A table of offences and the number of years an applicant is required to be free of conviction before an application will be considered is shown at Appendix A. This list is not exhaustive and individual cases will be judged on their own merits.

9.159.16 It is an offence, punishable by up to seven years imprisonment upon conviction, for any person knowingly or recklessly to make a false statement or to omit any material details when giving information required in an application for a licence. With regard to questions concerning previous convictions, the applicant's attention is drawn to the provisions of section 4(2) of the Rehabilitation of Offenders Act 1974. This, in summary, provides that any such question shall be treated as not relating to "spent" convictions as defined in that Act. Applicants, applicants are also notified that Sections 4 (2), and 6 and 7 of this Act provide that the Local Authority may admit evidence of "spent" convictions which are relevant in determining whether an applicant is a fit and proper person to hold a licence.

10 Specific Examples Of Offences (See Appendix B)

10.1 Minor Traffic Offences

- a An applicant with one conviction or fixed penalty notice for a minor traffic offence e.g. obstruction, waiting in a restricted street, speeding, etc would not normally be prevented from proceeding with an application. If an applicant has two or more convictions or fixed penalty notices for minor driving offences, the application may be refused. Any new applicant must have held a full driver's licence for a period of 12 months without any period of suspension during those 12 months.
- b An existing licence holder convicted of such offences may be warned as to future conduct, and informed that any disqualification may lead to revocation of any hackney carriage or private hire licence issued by the Licensing Authority. In addition, an existing licence holder may be required to take (or retake) a ~~Driving Standards Agency Taxi Assessment Test or any other~~ driving assessment test or training, which is considered appropriate e.g. Blue Lamp Trust.

10.2 Major Traffic Offences

- a An applicant with one conviction for a major traffic offence in the past will not normally be prevented from proceeding with an application. At least three years should elapse from conviction or restoration of the DVLA driving licence, whichever is the longer, before an application is considered for a hackney carriage or private hire licence and strict warnings will be given as to future behaviour. More than one conviction

or caution for such offences will raise doubts as to an applicant's fitness to hold a hackney carriage or private hire driver's licence. Such applications will normally be refused.

- b An existing licence holder may be required to take (or retake) a ~~Driving Standards Agency Taxi Assessment Test or any other~~ driving assessment test or training, which is considered appropriate e.g. Blue Lamp Trust. In serious cases, the licence may be revoked. No further application will then be considered for at least three years from the time of the conviction, or restoration of the DVLA driver licence, (whichever is longer).

10.3 Driving Under Influence of Drink or Drugs

- a A serious view is taken of convictions of driving or being in charge of a vehicle under the influence of drink or drugs. An isolated incident in the past will not necessarily debar an applicant. At least five years should elapse after the restoration of the DVLA driving licence before an application is considered for a hackney carriage or private hire licence and strict warnings will be given as to future behaviour. More than one conviction or caution for such offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire driver's licence. Such applications will normally be refused.
- b An existing licensed driver found guilty of driving with excess alcohol, or under the influence of drugs, will have his/her hackney carriage or private hire drivers licence revoked immediately and will be banned from holding a hackney carriage or private hire drivers licence with the Council for a minimum of five years from conviction or restoration of the DVLA driver licence, whichever is the longer. This applies regardless of whether or not the driver was carrying passengers for hire or reward when the offence was committed.

10.4 Insurance Offences

- a A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An applicant with one offence in the past will not necessarily prevent the issue of a licence to an applicant provided at least three years have elapsed since the conviction, or the restoration of the DVLA driver licence, whichever is the longer, but strict warnings will be given as to future behaviour.
- b More than one insurance related conviction will raise grave doubts as to the applicant's fitness to hold a hackney or private hire licence. At least five years should elapse after conviction or the restoration of the DVLA driving licence, whichever is the longer, before an applicant is considered for hackney carriage or private hire licence.

- c Any applicant with three insurance offences or more will not be considered fit and proper to hold a hackney carriage or private hire licence with the Council. Such applications will normally be refused or in the case of an existing driver, the licence may be revoked.
- d An existing driver found guilty of driving passengers for hire and reward whilst without insurance will have his/her driving licence revoked immediately and be banned from holding a hackney carriage or private hire driver licence with the Council for five years from conviction or restoration of the DVLA driver licence whichever is the longer.

10.5 Drugs

- a An applicant with a conviction for a drug related offence is required to show a period of between four and six years free of convictions depending on the circumstances before any application is entertained.
- b An existing driver found guilty of a drug related offence may have his/her driving licence revoked immediately and no application will be considered until a period of between four and six years free of conviction has elapsed, depending on the circumstances.

10.6 Violence

- a As hackney carriage and private hire drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for assault. Depending on the circumstances a minimum of between three and eight years free of conviction should be shown before an application is considered and even then a strict warning will be administered. An existing licence holder can expect his/her licence to be revoked if convicted of these offences.

10.7 Serious Offences

- a Any applicant with a conviction for a serious offence listed in Appendix A, Table 1 will not be considered fit and proper to hold a hackney carriage or private hire driver licence with the Council.
- b An existing licence will be revoked if the holder is convicted of any of these offences.

10.8 Indecency

- a As hackney carriage and private hire drivers often carry unaccompanied passengers, licence holders with a conviction for indecency will have their licence revoked and applicants will not be considered for the grant of a licence until a period of between five and eight years has elapsed since conviction depending on the

circumstances. A strict warning of future conduct will be given if a licence is subsequently granted.

10.9 Dishonesty

- a Licence holders are expected to be trustworthy. The widespread practice of unaccompanied deliveries for companies, taking unaccompanied children to school, and being aware of empty homes when driving passenger to the airport when going away on holiday, demonstrates the degree of trust placed on drivers. It would be easy for dishonest drivers to defraud passengers by taking them by other than the shortest route or foreign visitors when giving change. Lost property could be kept by unscrupulous drivers. For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of between three and up to six years free of conviction will be required before an application for a hackney carriage or private hire drivers licence is considered by the Licensing Authority. Any existing driver convicted of dishonesty may expect any licence held to be revoked.

10.10 Drunkenness

- a An isolated conviction for drunkenness need not debar an applicant from being granted a licence, nor will it automatically be a ground for revoking or suspending an existing licence. However, two or more convictions for drunkenness could indicate a medical problem necessitating a clinical examination. (Convictions for drunkenness should not be confused with the more serious offence of driving while under the influence of alcohol).

10.11 Scanners

- a Anyone convicted of an offence involving the unlawful use of a radio scanner will be banned from holding any licence for a minimum of five years.

11 Enforcement and Compliance

- 11.1 Holders of Hackney Carriage and Private Hire Operators, Drivers and Vehicles licences are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, the Council's Byelaws and Conditions.
- 11.2 If Operators, Drivers or Proprietors of Vehicles commit an offence or breach of those rules, regulations or conditions of licence, persons involved may be asked to attend the Council offices for an interview and, when investigations are completed, may receive a letter detailing the outcome. A copy is placed on the person's file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning being given, referral to the Licensing Sub-Committee and/or prosecution.
- 11.3 The aim of a penalty points scheme is that it should work in conjunction with other enforcement options. It provides a formalised, stepped, enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of a licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person to hold a licence. It does not prejudice the Council's ability to take other action.
- 11.4 The primary objective of the penalty points scheme is to improve the levels of compliance and help improve standards, and to ensure the safety and protection of the travelling public.
- 11.5 Any penalty points imposed remain on a person's record for a twelve month period. This period is on a roll-forward basis, so as to allow any points imposed 12 months or more earlier to be considered as spent and therefore excluded from the running total recorded against any individual licence holder.
- 11.6 In the event that a driver/owner/operator commits an offence or breaches a condition as listed in the penalty points table below he/she may be awarded the number of points applicable to the circumstances as shown in the table for the breach/offence.

12 Issue of Penalty Points

- 12.1 Complaints by the public concerning significant breaches of conduct will be subject to investigation by Authorised Officers and may be reported to the Licensing Sub-Committee for the imposition of discretionary points. These are the offences shown in the table where the points which may be awarded are 1-12.
- 12.2 Where a licence holder accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Council's Licensing Sub-Committee to decide whether the licence holder is a fit and proper person. The Licensing-Sub Committee may then revoke a licence, or issue a warning

to the licence holder, depending on the circumstances.

12.3 Penalty Points will remain current for 12 months from the date the penalty points are issued. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing within 10 working days from the discovery of the contravention.

12.4 The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.

12.5 Any disputes regarding the issuing of penalty points will be referred to the Licensing Sub-Committee who will have the discretion to vary the points. However, in appealing to the Sub-Committee, drivers should be made aware that if the complaint is upheld, the Sub-Committee may decide to award more points than had been originally awarded.

12.6 Where a driver wishes to appeal the issue of penalty points to a Licensing Sub-Committee they must inform the Licensing Authority, in writing, within 21 days from the date of issue.

12.7 If points are issued to a proprietor/driver for a matter which is also a criminal offence, eg bald tyres, no badge, those person(s) will not then be the subject of a prosecution by the Council.

12.8 If a licence is revoked under this procedure, no new application will be considered until a period of 12 months has elapsed since the revocation.

PENALTY POINTS TABLE				
Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
1	Providing false or misleading information on licence application form/failing to provide relevant information or the relevant fee (including dishonoured cheques).	6	✓	✓
2	Failure to notify, in writing, the Licensing Authority of change of address within 7 calendar days.	3	✓	✓
3	Refusal to accept hiring without reasonable cause eg drunk or rude customer	1-12	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	✓	
5	Plying for hire by Private Hire drivers.	9	✓	✓

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
6	Failure to hold a current vehicle excise licence (road tax).	9	✓	✓
7	Using unlicensed vehicle or vehicle without insurance.	12		✓
8	Failure to produce relevant documents within timescale when requested by an authorised officer.	4	✓	✓
9	Unsatisfactory condition of vehicle, interior or exterior.	4	✓	✓
10	Failure to produce MOT certificate when requested.	6	✓	✓
11	Failure to produce Hackney Carriage or Private Hire vehicle for testing when required	6	✓	✓
12	Failure to provide proof of insurance cover when requested.	4		✓
13	Using a vehicle subject to a suspension order issued by an authorised officer or a police officer.	12	✓	✓
14	Using a vehicle for which the licence has been suspended or revoked.	12	✓	✓
15	Failure to report, in writing, within 72 hours accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions.	4	✓	✓
16	Carrying more passengers than stated on the vehicle licence.	6	✓	
17	Failure to display external/internal licence plate or signs as required.	4	✓	✓
18	Carrying an offensive weapon in the vehicle.	12	✓	
19	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence.	4		✓
20	Failure to carry fire extinguisher.	4		✓
21	Failure to carry first aid kit.	3		✓
22	Displaying unsuitable or inappropriate sited signs or advertisements in the vehicle.	3		✓
23	Failure to use authorised roof light	4	✓	

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
24	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.	4		✓
25	Failure to produce on request records of drivers work activity.	4		✓
26	Using a non approved or non-calibrated taximeter.	6	✓	✓
27	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle.	12	✓	✓
28	Displaying any feature on private hire vehicle that may suggest that it is a taxi.	6		✓
29	Failure to carry an assistance dog without requisite exemption.	12	✓	✓
30	Driver not holding a current DVLA Licence.	12	✓	✓
31	Failure to wear driver's badge.	4	✓	
32	Failure to notify, in writing, a change in medical circumstances.	6	✓	✓
33	Unsatisfactory appearance of driver.	3	✓	
34	Failure to observe rank discipline. (Hackney Carriage)	3	✓	
35	Leaving an unattended Hackney Carriage on a taxi rank	3	✓	
36	Failure to maintain proper records of private hire vehicle.	3		✓
37	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced.	6		✓
38	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓
39	Failure to issue receipt on request.	1-12	✓	✓

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
40	Failure to return vehicle licence plate within 7 days after due notice following revocation or suspension of such licence.	4		✓
41	Unsatisfactory behaviour or conduct of driver.	1-12	✓	✓
42	Failure to notify the Licensing Authority, in writing, of any motoring or criminal convictions within 21 day of conviction or cautions during period of current licence.	6	✓	✓
43	Failure to give assistance with loading/unloading.	1-12	✓	✓
44	Failure to display fare card.	3	✓	✓
45	Failure to carry legal spare wheel and tools, or suitable tyre reinflation device.	4	✓	✓
46	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	✓
47	A licensed vehicle with a bald tyre.	4 per tyre	✓	✓
48	Failure to submit licence renewal application including documents and attendance at a vehicle inspection.	6	✓	✓
49	Failure to comply with any other conditions	3	✓	✓
50	Waiting or stopping on a double yellow line area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle.	3	✓	
51	Use of hand held mobile device (eg mobile phone) whilst driving licensed vehicle	3	✓	
52	Smoking in licensed vehicle	3	✓	
53	Points awarded by Licensing Sub-Committee where matters referred to them for decision.	4-12	✓	✓

54	Private hire vehicles stopped or waiting on a taxi rank	3	✓	
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APPENDIX A

Hackney Carriage and Private Hire Driver's Licences Criminal Convictions Table of Offences

The table below lists certain offences which may be taken into consideration when considering applications for hackney and private hire driver licences.

It shows the number of years that an applicant should be free of conviction before an application can be considered. This list is not exhaustive and each case will be judged on its own merits.

Table 1. Offences where a licence will automatically be refused or a current licence will be revoked
Murder
Manslaughter
Manslaughter or Culpable Homicide while Driving
Grievous Bodily Harm with intent - Section 18
Robbery
Criminal Damage with intent
Arson with intent
Rape
Indecent Assault on a Child Under 16 yrs

Table 2. Offences where a licence will automatically be refused, or a current licence will be revoked and no further application entertainment until the requisite number of years have elapsed	
Offences Involving Dishonesty	Years since conviction
Theft	3
Theft – Shoplifting	3
Theft – Employee	3
Theft – From Vehicle	3
Burglary & Theft – Dwelling	4
Burglary & Theft – Non Dwelling	4
Burglary & Theft – Aggravated	6
Fraudulent Use of VEL	3
Handling	3
Receiving	3
Forgery	3
Conspiracy to Defraud	3
Obtain Money by Deception	3
Obtain Money by Forged Instrument	3
Deception	3
False Accounting	3
False Statement to Obtain Benefit	3
Going Equipped	3
Perverting Course of Justice	4

Table 3. Offences Involving Drugs	Years since conviction
Possessing Controlled Drug	4
Possessing Controlled Drug with Intent to Supply	6
Producing Controlled Drug	4
Import Drugs	5

Table 4. Offences Involving Violence	Years since conviction
Common Assault	3
Actual Bodily Harm (Assault) - Section 47	5
Grievous Bodily Harm - Section 20	6
Common Assault – Aggravated	4
Assault Police	3
Affray	3
Riot	4
Obstruct Police officer	3
Possess Offensive Weapon	5
Possess Firearm without licence	3
Possess Firearm with intent	8
Criminal Damage	3
Violent Disorder	3
Resist Arrest	3
Arson	5

Table 5. Offences Involving Indecency	Years since conviction
Indecent Exposure	8
Importuning	6
Indecent Assault on a Person over 16 yrs	8
Living Off Immoral Earnings	7
Prostitution	7
Possessing or Distributing Obscene Material	8
Indecent or Nuisance Telephone Calls	5

Table 6. A licence may be issued (or not revoked) following the offences below. However a strict warning may be given regarding future conduct. More than one offence may result in refusal or revocation.
Using Threatening, Abusive Words or Behaviour
Breach of the Peace
Drunk and Disorderly / Drunk and Incapable

Offences covered under minor traffic convictions (See Paragraph 10.1)

AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours.
AC30	Undefined accident offence
CU10	Using vehicle with defective brakes.
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.
CU30	Using a vehicle with defective tyres.
CU40	Using a vehicle with defective steering.
CU50	Causing or likely to cause danger by reason of load or passengers.
CU60	Undefined failure to comply with Construction and Use Regulations.
CU80	Using a mobile phone whilst driving
LC10	Driving without a licence.
MS10	Leaving a vehicle in a dangerous position.
MS20	Unlawful pillion riding.
MS30	Playstreet Offences.
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test.
MS50	Motor racing on the highway.
MS60	Offences not covered by other codes.
MS70	Driving with uncorrected defective eyesight.
MS80	Refusing to submit to an eyesight test.
MW10	Contravention of Special Road Regulations (excluding speed limits).
PC10	Undefined Contravention of Pedestrian Crossing Regulations.
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle.
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle.
PL10	Driving without 'L' plates.
PL20	Not accompanied by a qualified person.
PL30	Carrying a person not qualified.
PL40	Drawing an unauthorised trailer.
PL50	Undefined failure to comply with conditions of a Provisional Licence.
SP10	Exceeding goods vehicle speed limit.
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles).
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit.
SP50	Exceeding speed limit on a motorway.
SP60	Undefined speed limit offence.
TS10	Failing to comply with traffic light signals.
TS20	Failing to comply with double white lines.
TS30	Failing to comply with a 'Stop' sign.

TS40	Failing to comply with direction of a constable or traffic warden.
TS50	Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines).
TS60	Failing to comply with school crossing patrol sign.
TS70	Undefined failure to comply with a traffic direction or sign.

Offences covered under major traffic convictions (See Paragraph 10.2)

CD10	Driving without due care and attention.
CD20	Driving without reasonable consideration for other road users.
CD30	Driving without due care and attention or without reasonable consideration for other road users.
DD40	Dangerous driving
IN10	Using a vehicle uninsured against third party risks. (see paragraph 10.4)
BA10	Driving while disqualified by order of Court.
BA20	Driving while disqualified as under age.

Offences where a licence will automatically be refused or a current licence suspended or revoked

DD60	Manslaughter or culpable homicide while driving a vehicle.(see under violence)
DD70	Causing death by reckless driving.
UT10	Taking or driving away a vehicle without consent or an attempt thereat
UT20	Stealing or attempting to steal a vehicle
UT30	Going equipped for stealing or taking a vehicle
UT40	Taking or attempting to take a vehicle without consent, driving or attempting to drive a vehicle knowing it to have been taken without consent, allowing oneself to be carried in or on a vehicle knowing it to have been taken without consent

Offences for driving a motor vehicle under the influence or drink or drugs (See Paragraph 10.3)

DR10	Driving or attempting to drive with alcohol level above limit.
DR20	Driving or attempting to drive while unfit through drink or drugs.
DR30	Driving or attempting to drive then refusing to supply a specimen for analysis.
DR40	In charge of a vehicle while alcohol level above limit.
DR50	In charge of a vehicle while unfit through drink or drugs.
DR60	In charge of a vehicle then refusing to supply a specimen for analysis.
DR70	Failing to provide a specimen for breath test.

These lists are not exhaustive and individual cases may be judged on their own merits. Where a conviction is so old and it is considered that there is little likelihood of re-offending, the above time limits may be reduced.

Glossary

“Authorised Officer” means any officer of the Council authorised in writing by the Council for the purpose of these conditions.

“Hackney Carriage” has the same meaning as in the Town Police Clauses Act 1847.

“Private Hire Vehicle” means a motor vehicle constructed or adapted to seat fewer than eight passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a Driver for the purpose of carrying passengers.

“Taximeter” means any device for calculating the fare to be charged in respect of any journey in a Hackney Carriage or Private Hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

“the Act” means Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

“the Council” means Winchester City Council.

“the Driver” means a person licensed to drive a Hackney Carriage and Private Hire vehicle under Section 51 of the Act.

“the Licence Holder” means the holder of the Hackney Carriage and/or Private Hire Driver’s or vehicle licence.

“the Licensing Authority” means the licensing section of Winchester City Council.

“the Operator” means the person(s) or company directors whom the Council has granted the Private Hire Operator’s Licence under Section 55 of the Act.

“Winchester District” – the administrative area of Winchester City Council

“Winchester Town” - the six Town Wards together with Oliver’s Battery and Badger Farm, Kings Worthy, Headbourne Worthy and Littleton and Harestock.