



**TO COUNCILLOR:**

R H Adams  
G A Boulter  
L M Broadley (Chair)  
F S Broadley

J K Chohan  
H E Darling  
J K Ford  
F S Ghattoraya

C D Kozlowski (Vice-Chair)  
C J R Martin

I summon you to attend the following meeting for the transaction of the business in the agenda below.

**Meeting:** Licensing & Regulatory Committee  
**Date & Time:** Thursday, 21 September 2023, 6.30 pm  
**Venue:** Civic Suite 2, Brocks Hill Council Offices, Washbrook Lane, Oadby, Leicester, LE2 5JJ  
**Contact:** Democratic Services  
**t:** (0116) 257 2775  
**e:** democratic.services@oadby-wigston.gov.uk

Yours faithfully

Council Offices  
Oadby  
**13 September 2023**

**Anne E Court**  
Chief Executive



**Meeting ID:** 2540

**ITEM NO.**

**AGENDA**

**PAGE NO'S**

**Meeting Live Broadcast | Information and Link**

This meeting will be broadcast live.

**Press & Public Access:**

A direct link to the live broadcast of the meeting's proceedings on the Council's Civico platform is below.

<https://civico.net/oadby-wigston/17983-Licensing-Regulatory-Committee>

**1. Apologies for Absence**

To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.

**2. Appointment of Substitutes**

To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.

**3. Declarations of Interest**

Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

**4. Minutes of the Previous Meeting**

**3 - 4**

To read, confirm and approve the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.

**5. Action List Arising from the Previous Meeting**

To read, confirm and note the Action List arising from the previous meeting.

**6. Petitions and Deputations**

To receive any Petitions and, or, Deputations in accordance with Rule(s) 11 and 12 of Part 4 of the Constitution and the Petitions Procedure Rules respectively.

**7. Licensing & Regulatory Update (Q1 2023/24) (Presentation)**

**5 - 18**

Presentation of the Senior Strategic Development Manager

**8. Street Trading Policy Update (September 2023)**

**19 - 32**

Report of the Licensing Enforcement Officer

**9. Hackney Fares Review (September 2023)**

**33 - 37**

Report of the Licensing Enforcement Officer

**10. Hackney Carriage and Private Hire Policy Review (September 2023)**

**38 - 96**

Report of the Licensing Enforcement Officer

**Access all available public meeting information, documents and live broadcasts on:**



Our **website** at **oadby-wigston.gov.uk/meetings**



Our **Civico** platform at **civico.net/oadby-wigston**



Your **smart device** using the **Modern.Gov** app

# Agenda Item 4

**MINUTES OF THE MEETING OF THE LICENSING & REGULATORY COMMITTEE HELD AT COUNCIL OFFICES, BUSHLOE HOUSE, STATION ROAD, WIGSTON, LEICESTERSHIRE, LE18 2DR ON THURSDAY, 22 JUNE 2023 COMMENCING AT 6.40 PM**

## **PRESENT**

L M Broadley                      Chair



Meeting ID: 2506

## **COUNCILLORS**

R H Adams  
G A Boulter  
F S Ghattoraya  
C J R Martin

## **OFFICERS IN ATTENDANCE**

D M Gill                              Head of Law & Democracy / Monitoring Officer  
Ms H Ingar                            Solicitor  
H Mansfield                          Environmental Health Officer  
J Wells                                  Strategic Manager (Regulatory Services)

### **1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors F S Broadley, H E Darling, J K Ford and C D Kozlowski.

### **2. APPOINTMENT OF SUBSTITUTES**

Councillor J K Ford substituted for Councillor N Alam.

### **3. DECLARATIONS OF INTEREST**

None.

### **4. MINUTES OF THE PREVIOUS MEETING**

By affirmation of the meeting, it was

#### **UNANIMOUSLY RESOLVED THAT:**

**The minutes of the previous meeting held on 09 March 2023 be taken as read, confirmed and signed.**

### **5. ACTION LIST ARISING FROM THE PREVIOUS MEETING**

None.

**6. PETITIONS AND DEPUTATIONS**

None.

**7. LICENSING & REGULATORY UPDATE (Q4 2022/23) (PRESENTATION)**

The Committee gave consideration to the presentation (as set out on pages 6 - 20 of the agenda pack) delivered by the Senior Strategic Development Manager, which asked it to note the Council's Licensing and Regulatory Update.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The content of the presentation be noted.**

**8. FOOD SERVICE DELIVERY PLAN (2023/24)**

The Committee gave consideration to the report and appendix (as set out on pages 21 – 27 of the agenda pack) which asked the Committee to note the Council's plan for delivering the Food Service for the current year and report on progress 2022/23.

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The content of the report and appendix be noted.**

**THE MEETING CLOSED AT 7.14 pm**

# Licensing and Regulatory Committee

Jon Wells

21 September 2023

Oadby & Wigston | Our borough -  
the place to be

Agenda Item 7

# Environmental Health

# Food safety and hygiene

FSA post Covid recovery plan now completed  
Food service plan 23/24 agreed by Committee in June  
2023

Food inspection focus on high risk with low-risk backlog  
continuing (170 in total)

New businesses triaged and risk rated

Compliance rate above 90% (375 businesses registered)

Gas safety inspections now taking place

20 food-based complaints handled in the last two months

Sampling programme recommenced as part of a national  
programme

# Public Health

Welfare Burials still continue

Infectious disease notifications for example salmonella,  
campylobacter and giardia

# Air quality

Live Air Quality Data <https://www.ukairquality.net/>

Blaby Road partnership project with schools, colleges, primary care and public health to commence now schools are back

23 measurement devices and 3 'live' stations/sensors now in use

Annual status report submitted to Defra

Polluting processes regulated

# Environmental Protection

Abandoned vehicles, bonfires, waste reports (fly tipping, littering) and noise complaints

Part of the Countywide fly tipping and littering campaign

Dog warden services partnership

Midland mainline electrification project

Duty of care campaign for small businesses

# Licensing

Taxi licencing – 236 Hackney carriages, private hire,  
combined driver and operator licenses issued in quarter  
one

Premise licenses – 42 processed in Q1

Animal welfare – 5 inspections completed in Q1

Street and house to house inspections – 12 processed in  
Q1

System improvements continue in the background to  
streamline our application and processing processes

A review of all our premises licenses is ongoing to ensure they all up to date and appropriate payments are being made. This will be followed by a review of all our hairdressers and barbers.

Enforcement work – 20 investigations carried out which have led to points being placed on a drivers taxi combined licence. 8 PACE interviews completed. Successfully defended a driver licence refusal at the Magistrates Court

# Private sector housing

# Energy grants projects

Project	Funding Awarded	Narrative	Suitable Properties	Number of properties	Number of measures	Status
LAD2	£305,200	£100,00 underspend due to rising cost of material post pandemic	Private with mains gas	21	26	Closed
LAD3	£528,000	Due to successful delivery £327,000 funding secured from consortium underspend	As LAD2	45	77	Ongoing until Sept 2023
Better care fund	£150,000	Funding from Lightbulb to spend along with LAD3	Used with both on and off gas properties	18	20	Until funding exhausted/closure of LAD3 and HUG1
HUG1	£55,000	£6,500 underspend	Private without gas (owned or rented)	4	5	Closure in progress
HUG2	£335,000	Awaiting approval of submitted project plan	As HUG1	TBC	TBC	Awaiting approval
Social decarbonisation fund	£579,500	Awaiting formal award confirmation	Council owned stock	128 forecast	TBC	Awaiting approval

These programmes are designed to fund energy efficiency measures such as cavity wall insulation, loft insulation, solar panels and external wall insulation for households who are on low income.

# Property licensing

Q4	Licenses issued	Income
Number of rented properties - 822	Pending – 112	£601,864
Number of applications received - 822	Issued – 685	
Number of Exemptions – 3 Number of empty properties – 12	Withdrawn – 32	

# Empty homes

Work with Council Tax, the Housing Team and property owners to return empty homes back into use

Was 132 now down to 63

# Community Lottery

First draw on 5 August 2023

Now raising approximately £18,501 per year for good causes

Number of tickets sold 508

Supporters 267

Causes signed up 17



<b>Licensing and Regulatory Committee</b>	<b>Thursday, 21 September 2023</b>	<b>Matter for Information and Decision</b>
---	--	--

**Report Title:** **Street Trading Policy Update (September 2023)**

**Report Author(s):** **Tracey Aldwinckle (Licensing Enforcement Officer)**

<b>Purpose of Report:</b>	To encourage and introduce further options to person(s) who wish to sell goods throughout the Borough within the present Street Trading Policy.
<b>Report Summary:</b>	To consider and approve additional options available to persons wishing to sell goods under a street trading permit.
<b>Recommendation(s):</b>	<p><b>The committee agree to consider and approve the content of the report by adding the following options to vendors.</b></p> <p style="margin-left: 40px;"><b>1) Half a day (5 hour) permit fixed site</b> <b>2) Dual 12 month permit</b></p>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>David Gill (Head of Law &amp; Democracy / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p> <p>Jon Wells (Senior Strategic Manager) (0116) 257 2692 <a href="mailto:jon.wells@oadby-wigston.gov.uk">jon.wells@oadby-wigston.gov.uk</a></p> <p>Tracey Aldwinckle (Licensing Enforcement Officer) (0116) 257 2689 <a href="mailto:tracey.aldwinckle@oadby-wigston.gov.uk">tracey.aldwinckle@oadby-wigston.gov.uk</a></p>
<b>Strategic Objectives:</b>	Our Communities (SO2) Our Economy (SO3)
<b>Vision and Values:</b>	"Our Borough - The Place To Be" (Vision) Customer & Community Focused (V1)
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	No corporate risk(s) identified
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. EA not applicable
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.

<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1.</b> Street Trading Policy

## **1. Background**

1.1 The Councils Street Trading policy, provides two types of permit, one for a fixed site and the second a mobile permit; such as ice cream vendor. Permits are available for the following for both fixed sites for pitch only and mobile.

- One off event licence
- 1 day a week annual licence
- 1 month licence
- 3 month licence
- 6 month licence
- 12 month licence

1.2 The licensing team have received applications from applicants requesting a street trading licence to be issued for a half day (5 hours) under the present policy this is not an option.

1.3 The Licensing team have received enquiries as to applicants having a dual permit, which would allow them to trade in Oadby, Wigston and South Wigston as opposed to specifying an area.

### **1.4 Next Steps**

1.5 Should the Committee approve the recommendation, Officers will publicise the changes to the policy and promote the new opportunities open to the public, with the hope that it will bring further trade into the Borough.

# Street Trading Policy

**Policy Version Number: 1.1**  
**Policy Author: Licensing Team**  
**Authorisation: Senior Leadership Team**  
**Date of Next Review: July 2026**

## **Contents**

	<b>Page Number</b>
<b>PART 1.0: Introduction</b>	<b>3</b>
<b>PART 2.0: Objectives of this Policy</b>	<b>3</b>
<b>PART 3.0: Explanation of Street Trading</b>	<b>3</b>
<b>PART 4.0: Exceptions</b>	<b>4</b>
<b>PART 5.0: Prohibited Streets</b>	<b>4</b>
<b>PART 6.0: Consent Streets</b>	<b>4</b>
<b>PART 7.0: Consent to Trade</b>	<b>5</b>
<b>PART 8.0: Application Process</b>	<b>5</b>
<b>PART 9.0: Consultation</b>	<b>5</b>
<b>PART 10.0: Grounds of Consideration</b>	<b>6</b>
<b>PART 11.0: Determination of an Application</b>	<b>7</b>
<b>PART 12.0: Renewal of Trading Consents</b>	<b>8</b>
<b>PART 13.0: Amendments or Variations to Trading Consents</b>	<b>8</b>
<b>PART 14.0: Transfer of Consents</b>	<b>8</b>
<b>PART 15.0: Revocation of a Consent</b>	<b>8</b>
<b>PART 16.0: Conditions</b>	<b>9</b>
<b>PART 17.0: Assistants</b>	<b>9</b>
<b>PART 18.0: Compliance</b>	<b>9</b>
<b>PART 19.0: Right of Appeal</b>	<b>9</b>
<b>PART 20.0: Offences</b>	<b>9</b>
<b>PART 21.0: Fees</b>	<b>10</b>
<b>PART 22.0: Individual Provisions</b>	<b>10</b>

### **Appendices**

**Appendix 1: Roads Where Street Trading is Prohibited**

## 1.0 Introduction

Oadby and Wigston Borough Council have adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The adoption of this Act enables the Borough Council to control Street Trading within its district.

**It is a criminal offence under the above Act to carry out any form of street trading within the Borough of Oadby and Wigston without the consent of Oadby and Wigston Borough Council.**

The government, in passing the above legislation, and the Council in adopting this policy, recognises that without regulation traders who operate in public without the use of formal premises can pose significant risks to members of the public.

Oadby and Wigston Borough Council aim to protect residents and visitors to the Borough by regulating street trading activities.

## 2.0 Objectives of this Policy

Oadby and Wigston Borough Council will carry out its duties under this policy with regard to the following objectives:

1. Public Safety – to protect public health, the health and safety and welfare of members of the public and to improve food safety standards.
2. Road Safety – to prevent street trading impacting on the safety of public roads and reducing risks to pedestrians and vehicles.
3. Crime – to prevent street trading being a source of crime or anti-social behaviour and ensure traders comply with the law and act fairly in their dealings with the public and promote a positive image of the Borough.
4. Nuisance – to prevent nuisance, inconvenience or disturbance to members of the public and reduce the effect of street trading on the amenity of the Borough.

## 3.0 Explanation of Street Trading

Street Trading is defined under the Local Government (Miscellaneous Provisions) Act 1982 as:

**The selling or exposing or offering for sale of any article (including a living thing) in any street.**

The term “street” defined under the Act has been interpreted widely by the Courts. For the purpose of this policy, Oadby and Wigston Borough Council consider a street to be defined as the following:

**Any road, footway or other area to which the public have access without payment; or**

**Any part of a street, road, footway or other areas open as a matter of fact to the public without payment; or**

**Any area that is 30 metres from the centre of any (or part of any) road, footway or other area to which the public have access without payment.**

## 4.0 Exceptions

The following are not classed as street trading under the Act:

1. Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
2. Anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order;
3. Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
4. Trading as a news vendor;
5. Trading which –
  - a. Is carried on at premises used as a petrol filling station, or
  - b. Is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
6. Selling things, or offering or exposing them for sale, as a roundsman;
7. The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
8. The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
9. The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

The reference to trading as a news vendor is a reference to trading where –

1. The only articles sold or exposed or offered for sale are newspapers or periodicals; and
2. They are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not –
  - a. Exceed one metre in length or width or two metres in height;
  - b. Occupy a ground area exceeding 0.25 square metres; or
  - c. Stand on the carriageway of a street.

## 5.0 Prohibited Streets

Oadby and Wigston Borough Council have designated certain roads as “prohibited.” This means that no form of street trading can be carried out from them at all and applications for consent will not be granted for these streets. A full list is available in Appendix 1.

## 6.0 Consent Streets

Oadby and Wigston Borough Council have designated all streets not otherwise designated as prohibited as “consent streets,” from which it is an offence to trade without the Council's consent.

## 7.0 Consent to Trade

An individual intending to carry out a street trading activity from a consent street must first apply and be granted the consent of Oadby and Wigston Borough Council. The application process is detailed below.

## 8.0 Application Process

An application for a street trading consent must be made to the Council in writing on the council's application form. Application forms are available to download from the Council's website or from the Licensing section.

In addition to a completed application form, the applicant must also submit:

1. A plan or map of the area from which the applicant intends to trade.
2. This should be at least 1:1250 in scale and clearly identify the position of the proposed trading site.
3. Three colour photographs of the stall, van, barrow, cart or similar means, which will be used for the purpose of the street trading activity.
4. Two passport photographs of the individual trader and any assistant he wishes to be named on the consent.
5. An original certificate of insurance that covers the street trading activity and the consent holder for third party and public liability risks.
6. If a vehicle is to be used, a valid MOT certificate for that vehicle.
7. If a food business, a copy of a relevant food hygiene qualification received within the last three years.
8. The application fee

The Council will aim to determine all applications within 56 days (8 weeks) of receipt

Each consent is for a maximum 12 month period only.

## 9.0 Consultation

Upon receipt of an application, the Council may consult as it deems necessary depending on the type of application. If it does consult the consultation period will be 28 days.

. The following are amongst those who may be consulted:

- Leicestershire County Council Highways – area office.
- Leicestershire Constabulary.
- Leicestershire Fire & Rescue Service.
- Ward Councillors.
- Oadby and Wigston Borough Council's Environmental Health Department.
- Oadby and Wigston Borough Council's Planning Department.
- All properties within 100 metres of the proposed site.

One or more public notices will be displayed in a prominent position near to the proposed site.

Following receipt of an application, an officer of the Council may visit the applicant to inspect the vehicle, barrow, cart, van, portable stall or other vehicle or other means from which the applicant intends to trade.

A full consultation with those listed above will be considered for all new application for fixed locations.

Consultation(s) on renewal or mobile trading applications may be carried out with a selection of the above consultees depending on the merits of the individual circumstances. Where issues or concerns have been raised about an existing consent, the Council may decide to carry out a full consultation at the renewal stage.

## 10.0 Grounds of Consideration

Following the consultation on a new application, a report will be made to the Head of Law and Governance who will determine the grant of the application. Any objections or observations received during the consultation period will be considered at this time.

The Head of Law and Governance will have due regard to the objectives outlined at the start of this policy when considering whether to grant or refuse a street trading consent.

When considering the objectives, the Head of Law and Governance will consider whether:

1. Public Safety
  - a. There are concerns over the ability of the applicant to maintain appropriate food hygiene standards.
  - b. There are concerns that the proposed vehicle, stall, van, barrow, cart or other means that the trader intends to use may pose a risk to the public, the trader or their staff.
  - c. There is inadequate provision for the disposal of rubbish and other waste, which may impact on hygiene standards or has the potential for the harbourage of vermin or odours.
  - d. The site allows the consent holder, staff and customers to park in a safe manner.
  - e. The street trading activity is carried out after dusk and has adequate lighting to allow the safe access and egress from the site for customers and staff.
  - f. There is another significant reason to consider that the trading activity and the means by which it is provided could be potentially harmful to human health.
2. Transport
  - a. A significant effect on road safety would likely result from the siting of the activity at the proposed location or from customers visiting or leaving the site.
  - b. The pitch interferes with sight lines for any road user at road junctions or pedestrian crossings or similar.
  - c. The trading unit obstructs the safe passage of users on the footway or carriageway.
  - d. The siting of the activity is likely to impact on traffic flows.
  - e. There is a conflict with Traffic Orders, such as waiting restrictions, in force at the proposed location.
  - f. The Leicestershire County Council Highways Authority has raised substantial reasons why a street trading consent should not be given.

### 3. Crime

- a. Concerns have been raised about the applicant suggesting he will either not comply with the law, or the conditions of the consent, or poses a risk to members of the public.
- b. The proposed activity is likely to encourage crime or anti-social behaviour.
- c. It is likely that the activity proposed may involve an element of illegality.
- d. Some other substantial reason exists that suggests the proposed activity or trader may be a source of crime or anti-social behaviour.

### 4. Nuisance

- a. The siting of the activity or the means by which it is conducted will obstruct or cause inconvenience to pedestrians, vehicles and other road users.
- b. There would be a significant loss of amenity caused by traffic, noise, rubbish, odour, fumes or potential for the harbourage of vermin.
- c. The proposed activity would cause nuisance, inconvenience and disturbance to members of the public.
- d. The number, nature and type of traders already trading within the area, when taken with the proposed location, could create a cumulative effect resulting in an exacerbation of any of the above grounds.
- e. There is another substantial reason to believe that the proposed activity would cause a nuisance.

These same grounds will be considered again upon the application for renewal, variation or amendment of a consent or where the Council believes that the consent should be revoked.

Each application will be considered on its own merits.

## 11.0 Determination of an Application

The application will either be:

1. Granted and a trading consent issued subject to attached conditions; or
2. Refused and a proportion of the fee refunded to the applicant.

When granting or renewing a trading consent, the Authority may attach such conditions as considered necessary to the individual application. The Council retains the right to vary the conditions of a street trading consent at any time. The conditions may specify the exact location from which trading may take place as well as the times of trading.

In instances where the Council feels that it can grant a substantially modified version of the application (i.e. for less hours than those applied for), it will notify the applicant of its decision and permit the applicant a short period of time to choose whether to accept the grant of the consent on those modified terms.

## 12.0 Renewal of Trading Consents

An application to renew a trading consent must be received by the Council at least 56 days (8 weeks) before the expiry of the existing consent and be accompanied by the appropriate fee and relevant documentation as explained above.

If a renewal is not made within the requisite time, the consent holder must cease trading once his consent expires and not begin again until such a time as the consent is renewed.

**It is the responsibility of the consent holder to renew their application in good time.**

## 13.0 Amendments or Variations to Trading Consents

The Council may add, alter or amend conditions on a street trading consent at any time after it is granted. This may occur where the trading activity has been reconsidered under the objectives of this policy following a substantiated complaint or where facts are now evident to the Council that were not present at the time consent was granted.

Where the Council proposes to add, alter or amend conditions, it will notify the consent holder of its intention and allow the consent holder the opportunity to make representations.

The authorised officer will present a report to the Head of Law and Governance who will take into consideration any representations made.

A consent holder may also submit an application in writing to amend or vary a consent or the conditions attached to a consent, upon payment of the appropriate fee.

## 14.0 Transfer of Consents

A consent holder may transfer a consent to another individual upon the payment of the appropriate transfer fee. A consultation may be carried out in relation to the individual.

## 15.0 Revocation of a Trading Consent

The Council may revoke a Street Trading Consent where:

1. In its opinion, the holder of the trading consent has contravened the conditions attached to the consent.
2. One or more of the objectives of this policy are being compromised by the licence holder or the activity.

A report will be made to the Head of Law and Governance to consider the revocation of the consent. The consent holder will be given the opportunity to make representations against the revocation of this consent.

## 16.0 Conditions

All street trading consents granted by the Council will have specific conditions attached which are designed to reduce the effect of that trading activity on the objectives outlined in this policy. Where the Council feels that an objective will be undermined by the grant of a consent it will, in the first instance, consider if there is a condition that could be imposed on the consent to resolve this issue.

## 17.0 Assistants

Trading consents are granted to an individual. This person (the consent holder) is required to be present at the trading site with the vehicle, barrow, cart, van, portable stall or other means from which he or she trades at all times during trading hours.

The consent holder may however, within the application form, nominate an assistant to be present in his or her absence. This assistant will be named on the licence and then can only be altered at a later date by an application to amend the consent.

## 18.0 Compliance

Visits may be made to the trading location of a consent holder during their consent period to assess their compliance with the conditions of their trading consent or to undertake any other duty that the authority may have, such as in relation to food hygiene inspections.

## 19.0 Right of Appeal

There is no right of appeal against the grant or refusal of an application for a new, renewal or variation of a street trading consent or the imposition of conditions onto a consent. The reasons for the decision will be communicated to the applicant.

## 20.0 Offences

Under the Local Government (Miscellaneous Provisions) Act 1982, an offence will be committed by any person who:

1. Engages in street trading in a prohibited street;
2. Engages in street trading in a consent street without being authorised to do so;
3. Whilst being authorised by a street trading consent to trade in a consent street, trades in that street –
  - a. From a stationary van, cart, barrow, or other vehicle; or
  - b. From a portable stall,

Without first having been granted permission to use that van, cart, barrow or other vehicle or portable stall; or

4. Contravenes a condition imposed on the consent relating to the location of the trading site and the hours of trading.

It shall be a defence for a person charged with an offence above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Any person who makes a statement which he knows to be false or which he does not believe to be in true connection with an application for a street trading consent shall be guilty of an offence.

A person found guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **21.0 Fees**

The relevant fees are contained in the Council's scale of charges and shown on the relevant application form. It is possible for the Council to charge different fees for consents that are for different durations or locations such as a pro rata rate for occasional consents or concessionary consents in certain circumstances.

## **22.0 Individual Provisions**

Oadby and Wigston Borough Council cannot anticipate the full range of potential circumstances for which a street trading consent will be necessary. As a guide, the following types of common activity require a consent and the council would like to make clear what it expects from those traders.

### **MOBILE FOOD TRADERS**

The Council will normally grant an application to operate within the Borough as a mobile trader. The most common type is that of an Ice Cream Van. Conditions will require such a trader to only remain stationary for five minutes to attract customers and then only for as long as it takes to serve those customers before moving on to another location. If a trader intends to remain in a fixed location for longer than five minutes without custom, he must have a consent for that precise location. Conditions will also regulate the use of music to attract customers to prevent it from being a nuisance.

The Council will expect such traders to park safely at all spots and not inconvenience any other road user or pedestrian. The trader must have appropriate insurance, a valid MOT and where necessary a food hygiene certificate.

### **STATIONARY FOOD TRADERS**

The smell and noise from traders that cook and sell hot food can cause a nuisance to members of the public, particularly if situated in residential areas. The means by which a vehicle, trailer or wagon is powered can also be a source of noise or a potential danger to health and safety.

It is unlikely that the Council will consider such applications suitable to be located near to residential areas. If LPG Gas is being used, the Council will also wish to see a copy of the gas certificate.

### **STATIONARY NON-FOOD TRADERS**

Whilst most fixed street traders provide food, a street trading activity can also include the sale of other items. Any other item that is proposed to be sold should not be age-restricted or offensive to members of the public. The trader must have the legal right to sell the goods and must not be in breach of any copyright laws.

### **CARS FOR SALE ON THE HIGHWAY**

The definition of a street trading activity also covers vehicles that are sold or offered for sale or exposed for sale from a street. Anyone who sells or offers for sale or exposes for sale a vehicle from a street will need to apply for and be granted a street trading consent.

The Council will exempt "one-off" domestic sales from the need for a paid consent, provided that the car being advertised for sale is parked outside the owner's normal place of residence and that they notify the Council in writing.

## Appendix 1: Roads Where Street Trading is Prohibited

The following “A” and “B” class roads within the Borough of Oadby and Wigston are prohibited:

- A6 Leicester Road, Harborough Road and Glen Road, Oadby
- A5199 Leicester Road, Bull Head Street and Welford Road, Wigston (excluding the layby at grid reference 6103 9775)
- B582 St Thomas Road, Blaby Road (between its junction with Canal Street and its junction with Station Road), Station Road, Bushloe End and Moat Street, Oadby Road, Wigston and Wigston Road and London Road, Oadby
- A563 Palmerston Way, Oadby
- B667 New Street, Stoughton Road and Gartree Road, Oadby
- B5418 Aylestone Lane and Paddock Street and Wakes Road, Wigston
- B5366 Saffron Road, Wigston
- All those roads where a speed restriction of 40mph and above applies.
- All those roads contained within the Oadby Hill Top and Meadowcourt Conservation Area.



<b>Licensing and Regulatory Committee</b>	<b>Thursday, 21 September 2023</b>	<b>Matter for Information and Decision</b>
---	--	--

**Report Title:** **Hackney Fares Review (September 2023)**

**Report Author(s):** **Tracey Aldwinckle (Licensing Enforcement Officer)**

<b>Purpose of Report:</b>	To consider and approve the proposed increase to the tariff set by the Council for Hackney carriage fares within the Oadby and Wigston Borough Council area.
<b>Report Summary:</b>	To consider and approve an increase in Hackney carriage fares from the current 2-mile rate of £4.40 to £6.70 to be in line with other Leicestershire local authorities.
<b>Recommendation(s):</b>	<p><b>A. The Committee agree to vary the Hackney Carriage table of fares by way of public consultation by public notice as follows:</b></p> <ul style="list-style-type: none"> <li><b>i. The 2-mile rate be increased to £6.70 from the specified date (subject to consultation responses).</b></li> <li><b>ii. The fare for each additional tenth of a mile be increased to 20 pence from the specified date (subject to consultation responses).</b></li> </ul> <p><b>B. That the authority be delegated to the Senior Strategic Development Manager to determine whether any objections received are significant and require the matter to be reported back to the Committee.</b></p> <p><b>C. That the authority be delegated to the Senior Strategic Development Manager to consider any objections received and modify the table of fares, if objections are not considered significant.</b></p> <p><b>D. To agree to all Taxi meters be set to Calendar setting.</b></p>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>David Gill (Head of Law and Democracy / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p> <p>Jon Wells (Senior Strategic Development Manager) (0116) 257 2692 <a href="mailto:jon.wells@oadby-wigston.gov.uk">jon.wells@oadby-wigston.gov.uk</a></p> <p>Tracey Aldwinckle (Licensing Enforcement Officer) (0116) 257 2689 <a href="mailto:tracey.aldwinckle@oadby-wigston.gov.uk">tracey.aldwinckle@oadby-wigston.gov.uk</a></p>
<b>Strategic Objectives:</b>	<p>Our Council (SO1) Our Communities (SO2) Our Environment (SO4) Our Partners (SO5)</p>

<b>Vision and Values:</b>	Customer & Community Focused (V1) "Our Borough - The Place To Be" (Vision)
<b>Report Implications:-</b>	
Legal:	By virtue of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, a district council may fix the rate of fares within the district in respect of the hire of Hackney Carriages. Under this legislation the Council has the power to set the fares charged for Hackney Carriage journeys and thereby effectively control the income of Hackney Carriage proprietors.
Financial:	There are no direct financial implications for the council with respect to this report as the taxi tariffs set the maximum amount the trade can charge their passengers (no income is receivable by the Council).
Corporate Risk Management:	Regulatory Governance (CR6) Decreasing Financial Resources / Increasing Financial Pressures (CR1)
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report.
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	Hackney drivers and operators
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1. Hackney Fares Consultation Results (2023)</b>

## **1. Background and consultation**

- 1.1 A representation was received from the Hackney Carriage trade ("The Trade") stating that they were finding it extremely difficult to absorb the rising costs in fuel, insurance and maintenance. Following this, the Licensing Team conducted a targeted consultation throughout August 2023 to the wider Hackney Carriage trade to see if they were in support of an increase in fares.
- 1.2 The response rate was good with 20 of the 21 (95.23%) supporting an increase to the table of fares. A summary of the consultation responses is attached at Appendix 1.

## **2. Current Position**

- 2.1 The current fare tariff has been in place since 3rd September 2007.
- 2.2 It is important to ensure that the tariff reflects a maximum charge that covers the costs incurred by good proprietors who spend whatever is necessary to ensure high

standards of Hackney Carriage Vehicles, which in turn increases passenger safety and public confidence in the trade

- 2.3 The current fares of neighbouring authorities are set out below. There are 344 local authorities who record two mile rates and it can be seen we are currently one of the lowest.
- Oadby and Wigston Borough Council 339/341 £4.40
  - Blaby District Council 203/344 £6.70
  - Charnwood Borough Council (not included) £6.70
  - Harborough District Council 143/344 £7.09
  - Leicester City Council 97/344 £7.40
  - North West Leicestershire District Council not included £6.70
  - Hinckley and Bosworth Borough Council 228/334 £6.40

\*Sourced from the "Private Hire and Taxi Monthly – Taxi Fare League Tables –May 2023 Hackney Taxi Fare Tables (phtm.co.uk) <https://www.phtm.co.uk/taxi-fares-league-tables/2022-01>

- 2.4 The current 2-mile hackney fare in Oadby and Wigston Borough Council is £4.40 with fares in Leicestershire ranging from £6.70 in Blaby to £7.40 in Leicester City. Of the seven local authorities in Leicestershire no other authority has a lower level fee than Oadby and Wigston Borough who are positioned 339 out of 341 local authorities who set fares. It is proposed therefore to increase the fare to **£6.70**. This proposal would place the Council fare in line with Blaby District Council and the seven local authorities and mid table of the 341 local authorities nationally. With an increase of 20p for any additional tenth of a mile.
- 2.5 After analysing the rising costs in motoring since 2013 and the feedback from the licensing trade, the Licensing Team supports the proposal to increase the hackney carriage fares as set out in paragraph 2.4.

### **3. Next steps**

- 3.1 Should the Committee approve the recommendation, officers will publish a notice of the proposed variation to the Table of Fares in a local newspaper, giving 21 days for objections. If no objections are received, then the Table of Fares will come into force on the date specified in the notice (the "Specified Date"). This date will be the day after the last day for submitting objections.
- 3.2 If objections are received, the Council must consider any objections received. As a result of this consideration, the Council can decide that the Table of Fares should be amended or that the proposed Table of Fares should remain the same as that originally advertised. The Council must also set a date, which cannot be more than 2 months after the Specified Date, on which the Table of Fares, with or without modifications will then come into force.
- 3.3 Should members be minded to approve the proposed increase, the Committee is requested to delegate authority to the Senior Strategic Development Manager to consider any objections received. In the event that significant opposition to the proposed increase is received, the matter will be brought back to this Committee for further consideration.
- 3.4 The Committee are further requested to delegate authority to the Senior Strategic Development Manager to determine the date for the purpose of 3.1 and to modify the Table of Fares, if considered appropriate, after any objections have been considered.

The Table of Fares, with or without modifications, will then automatically come into force on the date determined by the Licensing Team.

case id	case status	published	date created	date completed	originator	citizen	na	Q1_Suppc	Q2_First_I	Q3_Tenth	Q4_Further_Comments
HFC540993223	Closed	Yes	21/08/23 19:14	21/08/23 19:14	jinnahcad	jinnahcad	no	yes	yes		
HFC540683427	Closed	Yes	20/08/23 18:05	20/08/23 18:05	Anonymo	yes	yes	yes			
HFC538499709	Closed	Yes	10/08/23 18:06	10/08/23 18:06	Anonymo	no	no	no			At the moment things are very difficult, business very slow and not good time to increase fares. That's what I can suggest stay with the same fares.
HFC537293887	Closed	Yes	06/08/23 19:32	06/08/23 19:32	Anonymo	yes	yes	yes			
HFC536560999	Closed	Yes	03/08/23 09:51	03/08/23 09:51	Anonymo	yes	yes	yes			

manual form 21/08/23 annon yes yes yes it would be nice if hackney is also permitted to park at oadn wigston car parking places for at least 1hr free

O&W do 0.00% of their work on the O&W Ranks and meter so the proposal rate is too low compared to the national levels, compared to the extremely strict vehicle licensing policy and age restrictions this fare increase will do nothing to pay for the transaction. The O&W taxi policy needs a complete overhaul, hybrid and electric cars need a increase in age limit and the licence fees currently are the highest in the leicester if not the UK. These need recusing if you want to help drivers increase the age limit, increase age of used vehicles and reduce the licence fees \* BTW thank you for consulting, its welcome and helpful\*

manual form 03/08/23 annon yes no no  
manual form 05/08/23 annon yes yes yes  
manual form 10/08/23 annon yes yes yes  
manual form 18/08/23 annon yes yes yes  
manual form 08/08/23 annon yes yes yes  
manual form 03/08/23 annon yes yes yes  
manual form 07/08/23 annon yes yes yes  
manual form 07/08/23 annon yes yes yes  
manual form 11/08/23 annon yes yes yes  
manual form 20/08/23 annon yes yes yes  
manual form 20/08/23 annon yes yes yes  
manual form 12/08/23 annon yes yes yes  
manual form 19/08/23 annon yes yes yes

# Agenda Item 10



<b>Licensing and Regulatory Committee</b>	<b>Thursday, 21 September 2023</b>	<b>Matter for Information and Decision</b>
---	--	--

**Report Title:** **Hackney Carriage and Private Hire Policy Review (September 2023)**

**Report Author(s):** **Tracey Aldwinckle (Licensing Enforcement Officer)**

<b>Purpose of Report:</b>	To agree changes to the Hackney Carriage and Private Hire Policy (hereafter the Policy) for consultation with hackney carriage and private hire drivers before bringing back a report to the Licensing and Regulatory Committee for decision.
<b>Report Summary:</b>	To propose changes to the Policy for consultation at this time to promote low emission licenced vehicles, encourage more wheelchair accessibility, and clarify age and executive criteria.
<b>Recommendation(s):</b>	<b>That consultation takes place with licenced drivers on the proposed changes outlined in section 2 and a further report be presented to the Licensing and Regulatory Committee for decision.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>David Gill (Head of Law &amp; Democracy / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p> <p>Jon Wells (Senior Strategic Development Manager) (0116) 257 269 <a href="mailto:jon.wells@oadby-wigston.gov.uk">jon.wells@oadby-wigston.gov.uk</a></p> <p>Tracey Aldwinckle (Licensing Enforcement Officer) (0116) 257 2689 <a href="mailto:tracey.aldwinckle@oadby-wigston.gov.uk">tracey.aldwinckle@oadby-wigston.gov.uk</a></p>
<b>Strategic Objectives:</b>	<p>Our Communities (SO2)</p> <p>Our Council (SO1)</p> <p>Our Environment (SO4)</p> <p>Our Partners (SO5)</p>
<b>Vision and Values:</b>	<p>"Our Borough - The Place To Be" (Vision)</p> <p>Customer &amp; Community Focused (V1)</p>
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	<p>Economy / Regeneration (CR9)</p> <p>Key Supplier / Partnership Failure (CR2)</p>

Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. EA not applicable
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1. Hackney Carriage and Private Hire Licensing Policy (2021)</b>

## 1. Background and context

- 1.1 The national cost of living crisis has had profound implications on the taxi trade, with many of Oadby and Wigston drivers and vehicle owners experiencing hardship. Fuel prices and the cost of vehicles are two key contributors with fuel now costing on average 39% more than 2021. The average price of a second hand vehicle has also risen by 27.36 % or £4,119 in three years since March 2020.
- 1.2 Vehicles which are commonly used as taxis for wheelchair users such as the Citroen Berlingo, Peugeot Tepee, VW Caddy, Ford Transit, command high prices. At this time there are only 5 wheelchair accessible vehicles licenced out of 400.
- 1.3 We are seeing a national drive for low emission cars and many city areas have declared low emission zones, for example Bath, Birmingham, Bristol, Derby , Leeds, Liverpool Manchester and Nottingham. In our Borough we have now installed 30 EV charge points on four of our car parks: Wigston Pool and Fitness Centre, Aylestone Lane, East Street and Countesthorpe Road Car Park.
- 1.4 When the Policy was approved in 2021, the focus was to encourage a newer fleet of vehicles in the Borough, however we have noticed many drivers and vehicles have migrated to the City of Wolverhampton Council. Despite this many vehicles have remained working within the borough and the Licensing Team have as a result lost enforcement powers on the drivers and the vehicles which still operating but licensed by Wolverhampton. The present Policy age limits are:
- Vehicles to be licensed for the first time must be under 4 years of age
  - Vehicles to be renewed from 1/4/22 must be no older than 10 years
  - Vehicles to be renewed from 1/4/23 must be no older than 9 years
  - Vehicles to be renewed from 1/4/24 must be no older than 8 years
  - Vehicles to be renewed from 1/4/25 must be no older than 7 years
  - Vehicles to be renewed from 1/4/26 must be no older than 6 years

## 2. Proposed Consultation

- 2.1 It is proposed, with the Committees agreement, to consult drivers and operators on the following changes:
- a. Vehicles to be licensed for the first time must be a EURO 6 and under 6 years of age as opposed to age limits as set out above in 1.4
  - b. Promoting low emission vehicles by providing a reduced fee for fully electric and ULEV vehicles. 50% reduction on the fee for fully electric and 25% for ULEV.
  - c. Encouraging more wheelchair accessible vehicles to be licenced by offering a 25% fee reduction and removing age criteria changes.
  - d. Introduce more frequent testing and inspection of licensed vehicles to three times a year (from the current twice a year).
  - e. Vehicles to be renewed shall be no older than 10 years.
  - f. Providing clarity on the Policy on the definition of executive vehicle so that there is a defined list of suitable vehicles. It is proposed that an executive vehicle will not be licensed for the first time if over 4 years of age.
- 2.2 The consultation will be sent to all our current drivers and operators for comment. A further report will be brought to the next Licensing and Regulatory Committee after this has closed for decision.

OADBY & WIGSTON BOROUGH COUNCIL

# HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY



Policy Version Number: 5.0  
Date of Policy Approval: March 2021  
Next Policy Review: March 2026



# Contents

	<b>Page Number</b>
<b>Section 1 – Aims and Objectives</b>	
<b>PART 1.0: Introduction</b>	<b>3</b>
<b>PART 2.0: Objectives and Aims of the Policy</b>	<b>3</b>
<b>PART 3.0: The Overriding Objective</b>	<b>3</b>
<b>PART 4.0: How we will Achieve these Aims</b>	<b>4</b>
<b>PART 5.0: Legislation Enforced</b>	<b>5</b>
<b>PART 6.0: The Licensing Regime</b>	<b>5</b>
<b>PART 7.0: Vehicles</b>	<b>5</b>
<b>PART 8.0: Drivers</b>	<b>6</b>
<b>PART 9.0: Operators</b>	<b>7</b>
<b>PART 10.0: Complaints</b>	<b>7</b>
<b>PART 11.0: Enforcement</b>	<b>7</b>
<b>PART 12.0: Equality and Diversity</b>	<b>8</b>
<b>PART 13.0: Equality Act 2010</b>	<b>8</b>
<b>Section 2 – Licenses</b>	
<b>PART 14.0: In Vehicle Visual and Audio Recording - CCTV</b>	<b>9</b>
<b>PART 15.0: Vehicles Licenses</b>	<b>10</b>
<b>PART 16.0: Combined Hackney Carriage and Private Hire Driver Licences</b>	<b>17</b>
<b>PART 17.0: Private Hire Operators</b>	<b>24</b>
<b><u>Appendices</u></b>	
<b>Appendix 1: Table of Offences</b>	
<b>Appendix 2: Conditions Applicable to Private Hire Vehicle Licences</b>	
<b>Appendix 3: Conditions Applicable to Hackney Carriage Vehicle Licences</b>	
<b>Appendix 4: Byelaws Applicable to Hackney Carriages</b>	
<b>Appendix 5: Hackney Carriage Taximeter Standards</b>	
<b>Appendix 6: Current Hackney Carriage Fares</b>	
<b>Appendix 7: Private Hire Executive Exemption</b>	
<b>Appendix 8: Conditions Attached to Driver Licences</b>	
<b>Appendix 9: Conditions Attached to Combined Hackney Carriage and Private Hire Operator</b>	
<b>Appendix 10: Policy on Assessing Criminal Convictions</b>	
<b>Appendix 11: Penalty Points Scheme</b>	

## 1.0 Introduction

Oadby and Wigston Borough Council is the statutory Licensing Authority for Hackney Carriage and Private Hire Vehicles, drivers and operators within its Borough.

This Policy is in three sections. This Section outlines the aims and objectives of the policy and the licensing regime. Section 2 outlines the Council's policies on licensing vehicles, drivers and operators. The third and final section contains a number of appendices to this Policy. These are generally informative matters such as the Table of Offences that may be committed under the legislation or the conditions that will attach to Licences granted by the Council.

Section 3 also outlines the practical and operational procedures and schemes that may be put into place by the Council. These appendices may be varied or added to by the Licensing and Regulatory Committee of Oadby and Wigston Borough Council. Licence holders or any other person affected by the policy will be given 28 days' notice of any change.

## 2.0 Objectives of this Policy

This policy recognises that Hackney Carriages and Private Hire Vehicles are an important part of the public transport system of England and Wales and to the Borough of Oadby and Wigston.

Drivers and operators of Hackney Carriage and Private Hire Vehicles intend to provide a service to members of the public in return for a financial reward. In order to operate, the law requires them to be licensed by their local district council.

The purpose of the licensing regime is to ensure that Hackney Carriage and Private Hire Vehicles, their drivers and operators of such vehicles provide a safe, convenient and attractive form of public transport for the citizens of Oadby & Wigston and visitors to the Borough.

Oadby and Wigston Borough Council seek to encourage a local Hackney Carriage and Private Hire trade to thrive within the Borough by offering a high level of customer service to members of the public.

Oadby and Wigston Borough Council will endeavour to ensure that at all times all journeys carried out within its jurisdiction are done so legally and safely.

## 3.0 The Overriding Objective

**At all times the overriding objective of this policy is public safety.**

## 4.0 How we will achieve these Aims

In licensing vehicles, drivers and operators the law requires us to endeavour to ensure the safety of members of the public by:

- Ensuring that vehicles are suitable for the purpose of carrying members of the public safely and are safe to operate on public roads;
- Ensuring drivers are “fit and proper” to hold a combined Hackney Carriage and Private Hire drivers licence within the Borough of Oadby and Wigston.
- Ensuring operators are “fit and proper” to offer private hire services to members of the public, promote high standards and maintain adequate records for the benefit of passengers and drivers.

We will work with the licensed trade, members of the public and a variety of other agencies in order to:

- Maintain high standards for drivers, vehicles and operators to benefit members of the public and the licensed trade.
- Provide a professional, efficient, accessible, and fair service.
- Ensure that all parts of the trade operate within their legal requirements.
- Provide members of the trade and those seeking to join it with relevant information.
- Ensure the necessary evidential burden and public interest tests as laid down in the current “Code for Crown Prosecutors” have been applied properly before prosecutions proceed. A copy of the Code can be made available on request or from the CPS web site [www.cps.gov.uk](http://www.cps.gov.uk).
- Ensure confidentiality.
- Ensure that the requirements of the Council’s Equal Opportunities Policy are met wherever possible.
- Reduce the frequency in which licence holders are required to attend the Council Offices.
- Encourage more vehicles to be accessible to persons with disabilities.

We will do this by:

- Setting the standards to be met by vehicles, drivers and operators.
- Scheduled, routine and random inspections of vehicles, drivers and operators.
- Routine and random inspection of documents.
- Only making a decision on whether a driver or operator is “fit and proper” after following a series of checks as outlined in this policy.
- Working with other agencies, such as the Police, Department of Transport and VOSA, whilst giving assistance to other agencies such as the UK Border Agency and Her Majesty’s Revenues and Customs.
- Imposing and monitoring compliance with licence conditions and local byelaws.

## 5.0 Legislation Enforced

There are three Acts of Parliament that predominantly affect vehicles used as Hackney Carriages or Private Hire Vehicles, their drivers and, in respect of private hire, their operators.

These Acts are:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provision) Act 1976 (LG(MP)A)
- The Policing and Crime Act 2017

Following a comprehensive review under The Policing and Crime Act 2017 Statutory Taxi and Private Hire Vehicles Standards have been produced.

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

A number of other Acts, Regulations and Byelaws impinge on the activities of the trade. These include the Road Traffic Act 1995, Equality Act 2010 and the Oadby and Wigston Borough Council Hackney Carriage Byelaws.

Copies of the Acts of Parliament are available from [www.legislation.gov.uk](http://www.legislation.gov.uk).

A table of offences that can be committed under these Acts is included at Appendix 1.

## 6.0 The Licensing Regime

Some activities are considered to be a potential risk to the safety of members of the public so that the law requires an approval in the form of a licence. This is the case with the Taxi and Private Hire vehicle trade who transport members of the public to their chosen destination in return for reward.

The legislation in relation to this area creates three types of licence:

1. Vehicles (Hackney Carriage and Private Hire).
2. Combined Drivers (Hackney Carriage and Private Hire).
3. Operators (Private Hire only).

A journey not carried out in accordance with the correct licences is not only illegal: it is likely to invalidate the drivers insurance which could have serious consequences should an accident occur.

## 7.0 Vehicles

A licence is required for any vehicle which is proposed to be used for the carriage of passengers for hire or reward and seats 8 passengers or less. Vehicles which seat 9 or more people are classed as Public Service Vehicles and require a licence from the Department for Transport.

Oadby and Wigston Borough Council licences both Hackney Carriage and Private Hire vehicles depending upon the type of vehicle an applicant chooses to operate.

Section 47 of the LG(MP)A 1976 permits a District Council to attach conditions to licences for vehicles, which may specify the type and standard of vehicle considered suitable for licensing and may require vehicles to be of suitable shape, design and appearance to identify it as a Hackney Carriage.

Section 48 of the LG(MP)A 1976 states that a District Council cannot licence a Vehicle as a Private Hire vehicle unless it is satisfied that the vehicle is suitable in type, size and design for use as a Private Hire vehicle. Conditions can also be attached to any such licence.

### **HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLES**

The main difference between Hackney Carriages and Private Hire vehicles is that Hackney Carriages can be hailed (“flagged down”) in a public street or hired from a taxi rank. Private Hire vehicles **must** be pre-booked through a licensed Private Hire Operator and are not permitted to wait on a rank or be booked directly from a public street. Private Hire vehicles cannot look like a Hackney Carriage i.e. a London style black Hackney Carriage cannot be licensed as a private hire vehicle.

Should a Private Hire vehicle driver accept a fare which has not been pre-booked through an operator, he is committing an offence and is liable to be prosecuted. It is also important to note that anyone making a journey in a Private Hire vehicle which has not been pre-booked is likely to be uninsured for the journey.

Hackney Carriages in Oadby and Wigston are identifiable by the display of a “blue plate” and Private Hire Vehicles are identifiable by the display of an “orange plate”.

A further explanation is given in the section on Vehicle licenses.

## 8.0 Drivers

Any person who drives a Hackney Carriage or Private Hire Vehicle licensed by Oadby and Wigston Borough Council must also be licensed by the Council.

Section 59 of the LG(MP)A 1976 states that a District Council cannot grant a licence to any person unless it is satisfied that they are a “fit and proper” person to carry out work as a licensed driver. All new applicants must have held a UK driving licence for 12 months and have passed the Blue Lamp Trust (BLT) advanced driving test for Taxi and Private Hire vehicle drivers.

Conditions are attached to all driver licenses issued by the Council. Failure to comply with those conditions could lead to the enforcement action being taken which may result in prosecution and fines being imposed by the Court.

More details on how we assess whether a driver is “fit and proper” is contained in the section on drivers.

## 9.0 Operators

It is an offence for any person to operate vehicles for Private Hire within the Borough of Oadby and Wigston without first having been granted an operator's licence by the Council.

Under section 80 of the LG(MP)A 1976, "Operate" means in the course of business to make provision for the invitation or acceptance of bookings for Private Hire vehicles.

An operator will only be licensed if the Council is satisfied that the operator is a "fit and proper" person to hold such a licence.

Details as to how we assess if an operator is "fit and proper" is found in the section on operators.

## 10.0 Complaints

### **COMPLAINTS AGAINST THE TRADE**

A complaint from the public about a driver, vehicle or operator must be made in writing. Upon receipt by the Council it will be recorded and allocated to an investigating officer. The complaint will be acknowledged within 5 working days. It will then be investigated. This may take the form of interviews with the complainant, the licensee, witnesses and other agencies. A full response will be prepared, and if appropriate, action will be taken against the licensee. This may include issuing warning letters and the suspension or revocation of a licence.

### **COMPLAINTS AGAINST THE COUNCIL**

A complaint by any member of the trade or the public about the Officers of the Council is dealt with using the Council's Corporate Complaints procedure. Details of this procedure are available from the Council Website or from the Council Offices.

## 11.0 Enforcement

In order to ensure compliance with the various enactments and regulations applicable to Hackney Carriage and Private Hire licence holders the Council is required to carry out a variety of enforcement action.

Enforcement action taken by Council Officers will be in line with the Council's Corporate Enforcement Policy.

All enforcement action taken by the Licensing Section in respect of Hackney Carriage and Private Hire licences will be carried out where it is necessary in the interest of public safety for ensuring that the conditions and standards specified by the Council are being met.

There are a variety of offences that can be committed under the legislation governing this policy and a range of enforcement powers open to the Council to deal with such offences.

Where the law has been breached the Council always reserve the right to prosecute. A prosecution will normally only be appropriate where it is in the public interest. The Council may also choose to caution an offender, give a written warning, impose penalty points, suspend or revoke a licence.

## 12.0 Equality and Diversity

Oadby and Wigston is a Borough that is rightfully proud of its diversity. Taxi drivers and operators licensed by the Borough come from a variety of backgrounds, as do the members of the public that use those services.

Oadby and Wigston Borough Council have an Equality and Diversity Policy in place to ensure that customers of the council are not unfairly discriminated against. [https://www.oadby-wigston.gov.uk/pages/equality\\_and\\_diversity](https://www.oadby-wigston.gov.uk/pages/equality_and_diversity)

The Council will not tolerate any type of discrimination to customers by drivers or operators and will investigate all such complaints in line with the Councils' complaint procedure.

We also will endeavour to support drivers and operators where they are subjected to any form of discriminatory abuse by members of the public using their services.

## 13.0 Equality Act 2010

The Equality Act 2010 imposes duties on drivers, operators and the Council to prevent discrimination and improve the level of service given to disabled passengers.

### **Designated wheel chair accessible vehicles**

The Council will maintain a list of "designated vehicles" under section 167 of this Act. "Designated vehicles" are those which are wheelchair accessible. This list will be published by the Council to allow customers requiring wheelchair accessible vehicles to know which operators can provide that service. Private Hire Operators are required to advise the Council of their Operator and update the Council of any changes to ensure that the details given to the Public are correct. The Council will actively promote this list of vehicles. The proprietor of a "designated vehicle" may appeal against its inclusion on this list to the Magistrates Court.

### **Duties to assist passengers in wheelchairs**

Section 165 of the Act imposes duties on drivers of "designated vehicles" to:

- Carry the passenger while in the wheelchair
- Not to make an additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheelchair
- Take such steps as are necessary to ensure the passenger is carried in safety and reasonable comfort; and
- Give the passenger such mobility assistance as is reasonably required.

The driver of a designated vehicle unable to carry out these duties may apply to the Council for an

exemption order. The Head of Law and Democracy will grant an exemption order only if satisfied that it is appropriate to do on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him to comply with the above duties.

### **Guide Dogs and Assistance Dogs**

Sections 168 to 171 of the Act duplicate the provisions of the Disability Discrimination Act 1995 in relation to guide dogs and assistance dogs. All drivers have a duty to carry guide dogs or assistance dogs. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the Licensing Authority for an exemption certificate. Before considering whether to grant an exemption certificate the Licensing Authority will require confirmation of the medical condition from the applicants GP. The decision will then be made by the Head of Law and Democracy.

## **14.0 In Vehicle Visual and Audio Recording - CCTV**

The Council proposes to condition the use of CCTV within Hackney and Private Hire Vehicles

### 1.0 Introduction

This code of practice has been written for the purpose of regulating the use of CCTV systems in Private Hire vehicles and Hackney Carriages in Oadby and Wigston Borough Council.

1.1 This code of practice sets out to ensure that in-car camera systems in hackney carriages and private hire vehicles licensed by Oadby and Wigston Borough Council are used to prevent crime, identify the perpetrators of crime, enhance the health and safety of drivers and reduce the fear of crime.

1.2 The body responsible for monitoring compliance with this code of practice will be the authorised Officers of Oadby and Wigston Borough Council.

### 2.0 The purpose of in-car camera systems

2.1 The purpose of in-car camera systems shall be to provide a safer environment for the benefit of hire vehicle drivers and passengers by:

- Deterring and preventing the occurrence of crime;
- Reducing the fear of crime;
- Assisting the police in investigating incidents of crime;
- Assisting the police in identifying missing persons.

### 3.0 Installation and operation of in-car camera systems in Private Hire and Hackney Carriage vehicles

3.1 An approved installer shall carry out the installation in accordance with the manufacturer's instructions. A certificate of installation shall be provided to the Licensing Authority within 7 days of installation.

3.2 All Private Hire and Hackney Carriage vehicles with in-car camera systems installed shall display prominent notices visible from outside the vehicle and also within the vehicle at a point readily

visible to passengers, declaring that there is an in-car camera system in operation within the vehicle. Signage is to be in accordance with Hackney Carriage and Private Hire conditions.

3.3 All cameras shall be installed above the level of the dashboard within the hire vehicle.

3.4 Any proprietor-owner wishing to install additional cameras or make changes to the installation shall obtain consent from the Licensing Enforcement Officer of Oadby and Wigston Borough Council prior to doing so.

#### 4.0 Use of information recorded on in-car camera systems

4.1 It is important that any person, who suspects that a crime has been committed and that an in-car camera system may contain information relevant to the investigation of the crime, should report that suspected crime to the police as soon as possible.

4.2 Maintenance shall be carried out on the CCTV system and a certificate of maintenance shall be provided to the Licensing Authority at the time of the renewal of a vehicle licence.

#### 5.0 Data Protection Act 2018, General Data Protection Regulation and the Information Commissioners Codes of Practice

5.1 The owner/proprietor shall ensure that the storage and use of images complies with the requirements of the Data Protection Act (2018) General Data Protection Regulation and the Information Commissioners Codes of Practice at all times.

#### 6.0 Monitoring the use of in-car camera equipment

6.1 Any duly authorised Officer of Oadby and Wigston Borough Councils Environmental Health and Licensing team can at any reasonable time and on the production of a warrant card, if requested, examine any in-car camera installation for the purpose of monitoring compliance with the Data Protection Act, General Data Protection Regulation and Information Commissioners Codes of Practice.

6.2 In the event of any potential breach being identified, the Information Commissioner will be informed.

6.3 Failure to comply with this code of practice may result in the suspension or revocation of a Hackney Carriage or Private Hire vehicle licence.

## 15.0 Vehicle Licenses

### 1. Introduction

The difference between Hackney Carriages and Private Hire Vehicles may not be readily apparent but the following should explain the distinctions.

A **Hackney Carriage** (commonly known as a “taxi”) may ‘ply for hire’ from an appointed “taxi” of

Hackney Carriage stand or rank within the district in which it is licensed. It may also be hailed and booked from a public street in that district.

A Hackney Carriage licensed by Oadby and Wigston Borough Council will be required to have a taxi meter fitted restricting the charges to those set by the Council and display a roof sign on the vehicle at all times identifying it as a Hackney Carriage or simply a "Taxi".

A **Private Hire Vehicle** may only undertake journeys booked in advance. The charges for such journeys are not subject to the Council's control and should be agreed between the hirer and the operator prior to the commencement of a journey.

A Private Hire vehicle licensed by Oadby and Wigston Borough Council cannot be of such design or appearance to lead any person to think it is a Hackney Carriage. Roof signs are permitted in line with this policy on roof signs at section 15 item 14.

Hackney Carriages or Private Hire Vehicles licensed by Oadby and Wigston Borough Council must display internal and external licence plates at all times in a position approved by the Council.

A vehicle licensed as a Hackney Carriage or a Private Hire Vehicle remains a licensed vehicle at all times. A vehicle only ceases to be a licensed when its plate expires, is surrendered to the Council, or revoked. The plate must then be returned to the Council.

A Hackney Carriage or Private Hire Vehicle may **ONLY** be driven by the holder of a Hackney Carriage/Private Hire Vehicle Drivers Licence issued by this Council.

## **2. The Justification for a Vehicle Policy**

Hackney Carriage and Private Hire Vehicles are exempt from requiring an MOT by the Motor Vehicles (Test) Regulations 1976. Oadby and Wigston Borough Council has the responsibility and duty to ensure that the vehicles it licences are in suitable mechanical condition to be used on public roads and do not cause a danger to the safety of members of the public.

The Council's policy on vehicles exists for the reasons of Public Safety.

## **3. General**

All vehicles licensed by Oadby and Wigston Borough Council must:

- Have at least 4 doors.
- Be capable of carrying at least 4 passengers.

## **4. Colour Restrictions**

Generally there are no restrictions on the colour of a vehicle. Consideration will be given closely to black vehicles requiring a Private Hire Vehicle licence where its size and shape may lead members of the public into believing that it is a Hackney Carriage. The Licensing Authority will give due consideration to an application where the colour, when taken with the remainder of vehicles physical appearance is such to render a vehicle unsuitable.

## **5. Age Limits**

To ensure that the standards of vehicles remain suitable for the safe transport of members of the public, the Council must give appropriate weight to the age of a vehicle. Licensed vehicles will

ordinarily be used more often than domestic vehicles and therefore deteriorate at a much faster rate.

The following age limits will therefore apply

- Vehicles to be licensed for the first time must be under 4 years of age.
- The previous policy allowed first time applicants a new vehicle to be under 5 years on application this shall remain in place until the 1/4/22
- Following consultation with the industry the age profile of taxis to be relicensed will be brought in over a period of time. Providing the vehicles complies with the Governments emissions controls for vehicles
- Vehicles to be renewed from 1/4/22 must be no older than 10 years
- Vehicles to be renewed from 1/4/23 must be no older than 9 years
- Vehicles to be renewed from 1/4/24 must be no older than 8 years
- Vehicles to be renewed from 1/4/25 must be no older than 7 years
- Vehicles to be renewed from 1/4/26 must be no older than 6 years

Frequency of Vehicle Tests:

- New vehicles under the age of 2 years will require only 1 vehicle test in the year.
- All Vehicles over 2 years must be tested twice a year (every 6 months).

## **6. Vehicle Emissions**

From 1 March 2021 all Hackney and Private Hire vehicles must be fitted with at least a Euro 5 compliant engine or equivalent using retrofit technology (registered since September 2009) Euro 4 compliant engines or older will not be permitted. Any vehicle with a Euro 4 compliant engine or older will not be licensed at the time of renewal.

From 1 January 2025, all Hackney and Private Hire vehicles must be fitted with at least a Euro 6 compliant engine or equivalent using retrofit technology (registered since September 2014). Euro 5 compliant engines or older will not be permitted. Any vehicle with a Euro 5 compliant engine or older will not be licensed at the time of renewal.

Applicants will be required to prove that the engine is suitable. Any vehicle with an engine older than the required euro emissions standard will not be licensed at the time of application unless it can be verified that the emissions have been suitably lowered using approved retrofit technology.

New standards are being applied with the eradication of petrol and diesel engines by 2050. The plan is to reduce greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels. This level of ambition for the next decade will put the UK on a balanced pathway to reaching climate neutrality by 2050. The Council will be adjusting this Policy in line with Government amendments to meet the National Goals as new guidance is received.

The fee for a licence for an ultra-low emission vehicle (both new and renewal application) is discounted by 15% (compared with a standard vehicle licence)

## **7. Exception to Age Limits**

The Licensing Authority recognises that a policy cannot be absolute and will consider making an exemption to its policy upon the written request of an applicant.

When considering whether to exempt a vehicle from this policy the Licensing Authority will consider the following:

- If it is a “prestige” or “classic” vehicle intended to be booked by members of the public solely for its unique characteristics of which its age is significantly relevant to and in the opinion of the Council’s approved testing station it is likely to remain in a road worthy condition for the next 12 month.
- If the vehicle is wheelchair accessible and a demand exists for such a vehicle and the vehicle has previously been licensed by the Council.
- An Ultra-Low Emission Vehicle which in the opinion of the Council approved testing station it is likely to remain road worthy condition for the next 12 months.

Vehicles exempted from the Council’s age policy will be licensed for a year. If it should fail any test or any other concerns are raised that make it reasonable in all the circumstances to doubt the suitability of the mechanical condition of the vehicle the licence will be revoked and no further application will be considered in respect of the vehicle.

- A “prestige” car needs to be desirable. It must perfectly blend the latest technology and top performance with comfort and luxury. It will be made by a renowned company that is respected around the world for producing a high pedigree of vehicle that is reliable with an added touch of glamour.
- “Classic cars” are 20 years or older.
- The vehicle is a wheelchair accessible vehicle in immaculate condition up to a maximum age of 10 years
- Ultra-Low emission vehicles will be in immaculate condition up to a maximum age of 10 years and will not be subject to the Age limit Policy

### **8. Wheelchair Accessible Vehicles**

This Council encourages proprietors and operators to provide vehicles which are fully wheelchair accessible and able to take any form of wheelchair, including motorised wheelchairs.

The fee for a licence for a wheelchair accessible vehicle (both new and renewal application) is discounted by 25% (compared with a standard vehicle licence.)

### **9. Suitability of Vehicle**

Before being licensed and during the period in which it is licensed, a Council approved testing station must test a vehicle and be satisfied, on behalf of the Licensing Authority, that a vehicle is in suitable mechanical condition to be licensed. The vehicle will as a minimum be in such condition that it would pass an MOT.

Where there are any doubts that a vehicle will remain in a roadworthy condition for 12 months the testing station will fail the vehicle.

The testing station must also examine the general safety of the vehicle and the comfort of it with a view to ascertaining if it is suitable for the safe transport of members of the public.

We expect a vehicle to achieve a high standard of cleanliness inside and outside

## **10. Vehicle Tests**

All vehicles whether currently licensed or applying to be licensed must be tested to the same standard at a Council approved vehicle testing station. The station will issue a Vehicle Inspection Report (VIR) which is submitted directly by the testing station to the Council on completion of the test.

The applicant or licence holder is responsible for the payment of all fees required for any mechanical inspections direct to the nominated testing station.

Additional vehicle tests may also be required following an accident or mechanical breakdown or following enforcement or routine inspection where the Council has doubts about the fitness of the vehicle.

An Authorised Officer of the Council or a Police Constable has the power at all reasonable times to inspect and test, for the purpose of ascertaining the fitness, any Hackney Carriage or Private Hire Vehicle. This may be following routine inspections carried out by officers, following information received which gives reasonable cause to doubt the fitness of a vehicle or following risk assessed targeted enforcement action.

## **11. Conditions**

All vehicles licensed by the Council will be subject to conditions. Conditions attached to Private Hire vehicles can be found in Appendix 2 and those attached to Hackney Carriage vehicles are found in appendix 3. Additionally, local byelaws also affect Hackney Carriages and these can be found at appendix 4.

## **12. Safety Equipment**

Conditions attached to a vehicle licence require the vehicle to carry the following at all times:

- Fire Extinguisher
- First Aid Kit
- Spare Wheel or Puncture Repair Kit.

The Fire extinguisher and First Aid Kit must be stored within the vehicle and be easily accessible to the driver, or if the driver is incapacitated, by passengers or emergency services. The above must be in workable order and conform to the relevant standards outlined in the conditions attached to the vehicle.

All drivers offering a service to transport members of the public have a duty to ensure the safety of that person within their vehicle. For that reason we will judge drivers and vehicles stringently on the suitability of their fire extinguisher and first aid equipment. The fire extinguisher and first aid kit must be marked with the vehicles plate number or registration number.

## **13. Insurance**

A Hackney Carriage vehicle must be insured for **public hire and reward** and as a minimum requirement cover the driver for third party fire and theft and also to include legal liability for passengers and luggage.

A Private Hire vehicle must be insured for **private hire and reward** and as a minimum requirement cover the driver for third party fire and theft and also to include legal liability for passengers and luggage.

The licensed vehicle must be insured throughout the duration of the licence and the following insurance requirements apply.

Upon the first application or renewal of a vehicle licence the applicant must either:

- Present an insurance certificate that provides cover for the full duration of the licence: or
- Present an insurance certificate that provides cover for less than the full duration of the licence and thereafter maintain the insurance cover so that at all times the vehicle is insured throughout the duration of the licence.

#### **14. Roof Signs and Advertisements**

No advertisements will be permitted anywhere on a licensed vehicle.

Roof signs are permitted without written permission for Private Hire and Hackney Carriage vehicles provided they conform to the following:

- Private Hire vehicles must display the words “advanced booking”.
- Hackney Carriages are permitted to display the words “Taxi” or “for hire”.

A roof sign should, whether for Hackney Carriage or Private Hire vehicle, state the name and telephone number of the company operating it.

No signs, notices, advertisement, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in, or from the vehicle without prior written approval of the Council.

#### **15. Taximeter**

All Hackney Carriage vehicles must be fitted with a taximeter installed by an authorised taximeter company and set to comply with the Oadby and Wigston Borough Council Tariff. The taximeter is to be maintained in such way as may be specified by the Council.

The current standards can be found at appendix 5.

#### **16. Table of Fares**

Oadby and Wigston Borough Council have the legislative power to fix the fares that Hackney Carriages can charge within the district.

If a Hackney Carriage is used under a contract for Private Hire, the driver cannot charge more than the fixed rate in the authorised fare table. As a result the driver must have the meter running at the correct tariff whenever they have passengers in the vehicle. The produced tariffs are for maximum fares and drivers have the discretion to charge less than the displayed price. The latest table of fares can be found at appendix 6.

Fares set for Hackney Carriages will be subject to regular review. In order for this review to be carried out, comparison will be made with fares charged in neighbouring authorities and the relevant retail

price index rates will be taken into consideration.

### **17. Dual Plating**

A vehicle will not be licensed by the Council if it is already licensed as either a Hackney Carriage or Private Hire vehicle by another authority. If a vehicle is found to be also licensed by another licensing authority the Council will either not grant a licence to it or revoke any licence issued to the vehicle.

Vehicles can only be licensed as either Hackney Carriages or Private Hire vehicles – both types of licence cannot be in force simultaneously.

### **18. Transfers**

The Licensing Authority will not permit the proprietor of a licensed Hackney Carriage vehicle to transfer that vehicle licence into a Private Hire vehicle, nor permit the proprietor of a Private Hire vehicle to transfer that licence into a Hackney Carriage.

Should a vehicle proprietor decide to change the type of licence a vehicle holds, they must surrender their existing licence and apply for a new licence.

The Licensing Authority will permit an applicant to transfer his vehicle licence to another individual where the vehicle has been sold to that individual. The new owner is required to prove that he owns the vehicle and has appropriate insurance for it as well as being a licensed driver.

### **19. Executive Vehicle Licence Plates**

The proprietor of a Private Hire Vehicle may apply to the Licensing Authority for an exemption from displaying the standard private hire plate.

The Licensing Authority has a duty of care to ensure that all customers travelling in Private Hire vehicles, whether residents or professional clients are safe at all times. We acknowledge that certain customers require the use of Private Hire Vehicles but for either personal or professional reasons do not wish to appear to be in a licensed vehicle.

The use of executive style licence plates will only be considered for specialist Private Hire use. This does not include airport services, regular school contracts and normal Private Hire work.

Proprietors who wish to have their vehicle exempt from displaying the normal type of licensed plate must apply to the Council.

Decisions will be made in line with the policy on executive vehicle exemptions (appendix 7).

### **20. Hire Vehicles**

Where a company has provided a driver with a replacement vehicle the hire company must inform the Council which licensed driver has been allocated that vehicle and the approximate timescale the driver will be using it for. Once the hire vehicle is no longer required the licence and plates should be returned to the Council and surrendered.

A hire vehicle is subject to the same procedures and regulations as any other vehicle licensed by the Council.

## **21. Demand for Hackney Carriage**

The Council is able to consider restricting the number of Hackney Carriages it licenses based upon demand for them in its area. At the present time we do not feel it is necessary to restrict the number of Hackney Carriages.

## **22. Renewal of Licences**

It is the proprietor's responsibility to ensure that licences are renewed prior to the expiry of the current licence. There is no statutory duty for the Council to remind licence holders of the expiry date of their vehicle.

Any applications submitted after the expiry of a licence will be treated as a new application.

## **23. Rights of Appeal**

Where an application is refused or a licence is suspended or revoked the licence holder will be issued with full reasons in writing.

Any applicant aggrieved by the Council's decision to suspend, revoke or refuse a vehicle licence or the conditions attached to a licence may appeal to the Magistrates Court within 21 days of being notified in writing of the decision.

## **24. Application Requirements**

To apply for vehicle licence an applicant must submit the following:-

- a) Completed application form online at: [https://www.oadby-wigston.gov.uk/pages/private\\_hire\\_vehicle\\_licence](https://www.oadby-wigston.gov.uk/pages/private_hire_vehicle_licence)
- b) Vehicle Inspection Report (VIR) (issued by the approved testing station)
- c) Vehicle Registration Document (V5c).
- d) Valid insurance document certificate.
- e) Taxi metre calibration certificate (if a Hackney Carriage)

A vehicle licence will be granted for 12 months and subject to conditions as well as the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

All vehicle applications are to be submitted **at least** 10 working days prior to the licence expiry date (renewals) and will be processed within 10 working days of all aspects of the application being complete.

# 16.0 Combined Hackney Carriage and Private Hire Vehicle Driver Licences

## **1. Introduction**

The Council will issue combined Hackney Carriage and Private Hire Vehicle Driver Licences.

Drivers licensed by the Council will therefore be permitted to drive either a Hackney Carriage or Private Hire Vehicle licensed within the Borough. Licences will be issued for the duration of three years. Holders of existing licences will need to renew their licence every three years.

In issuing any licence the Council will have regard to the Statutory Taxi & Private Hire Vehicle Standards

In addition the Council adopted the Institute of Licensing's "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades" in 2018 as a means of standardising the approach to the grant of licenses across the country to ensure consistency and transparency in decision-making.

## **2. Applying for a Hackney Carriage and Private Hire Vehicle Drivers Licence**

All driver applications are to be submitted **at least** 6 weeks prior to the licence expiry date (renewal) and will be processed within 10 working days of all aspects of the application being complete.

In order to apply for a drivers licence with Oadby and Wigston Borough Council an applicant **must**:

- Have held a full British drivers licence for at least 12 months
- Or
- A European Community driving licence for at least 12 months, accompanied by a UK counterpart document.

The Council will not process any application where the above cannot be produced.

## **3. Application Process**

A DBS certificate is not always available due to an applicant being out of the Country prior to the application being made. Therefore an applicant who has been out of the Country for longer than 6 months must provide evidence in accordance with: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

### **3.1 Competency Test**

A prospective applicant for a drivers licence must satisfy the Council prior to making an application for a licence that they are competent and can show they are able to transport passengers safely and without delay to their requested destinations and offer satisfactory level of customer service. In addition the applicant must satisfy the Council of their ability to understand written documentation and oral proficiency where English is not the applicants' first language.

First time applicants for Hackney Carriage/Private Hire Vehicle Drivers licence are therefore required to take a competency test prior to making an application. A pass mark of 80% is required in all sections of the test to achieve a pass.

The applicant will be allowed 3 attempts to pass the competency test within the 12 months prior to the application being considered. The fee for the first competency test must be paid before the test. If further tests are required a subsequent fee must be paid before each test.

As a licensed driver is in a position of responsibility they must show that they understand the local area, the needs of customers of the Borough and the law and policies applicable to licensed drivers, operators and vehicles.

Should the applicant fail the test on the 3 occasions available, an application will not be accepted.

Failure to attend a test without prior notice will be deemed to be a failed test.

An applicant will not be able to reapply for a period of 12 months from the date of their third and final failed test. The licensing authority may consider accepting a new application within a period of less than 12 months upon the written request of an applicant if they satisfy the authority that there are exceptional circumstances to justify the departure from this policy.

The reason for the limit of 3 tests within 12 months and the 12 month limitation period on applying following a refusal is to avoid wasting an applicant's time and money where it appears they are unable or unlikely to satisfy the Council that they are a fit and proper person.

### **3.2 English Language Proficiency**

The applicant must satisfy the Council of their ability to understand written documentation and oral proficiency. An English language proficiency requirement applies to all applicants for Private Hire and Hackney Carriage Driver licences.

Evidence of an English test up to level 2 is required to be provided with every application submitted where English is not the first language. The purpose of the Functional Skills English Level 2 qualification is to prepare the learner for work, study and life. Learners who achieve this qualification will demonstrate the ability to read, write, speak, listen and communicate in English.

Where any driver is already licensed and concerns are raised concerning a lack of proficiency in English then the Council may grant a 12 month licence on renewal that requires the driver to supply an English Level 2 qualification

### **3.3 Full application**

Documents are available online. A full application will consist of the following documents:

- Application form
- Access to Disclosure and Barring Update Service
- DVLA mandate form Check Code
- Medical certificate signed by a GP
- Blue Lamp Trust Certificate
- Driving licence
- Competency test pass record
- Evidence of an English Level 2 qualification is required to be submitted with all new applications where English is not the first language.
- From 1/4/22 proof of HMRC contact for new applicants to be provided.

### **3.4 Prior to issuing a badge**

- Attendance on a Safeguarding training course as directed by OWBC
- Attendance on a disability awareness course as directed by OWBC

Incomplete forms will be returned to the applicant as invalid. All forms must be completed and signed by the applicant.

## **4. Conditions**

Driver licences issued by the Council have strict conditions imposed upon them. A copy of the conditions can be found at Appendix 8.

## **5. "Fit and Proper Person"**

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 states that "a district council shall not grant a driver's licence to drive a Private Hire vehicle or Hackney Carriage unless they are satisfied that an applicant is a fit and proper person."

The documents and information required by the application process enable us to make a decision on whether an applicant is "fit and proper". These procedures are explained below.

## **6. Criminal Record Check**

Under Section 47 of the Road Traffic Act 1991 the Council will seek information from the Disclosure and Barring Service (DBS) regarding the disclosure of an applicant's criminal record.

In order to carry out this check the Council is obliged to verify the identity of all applicants and require a number of documents to be submitted. One of these documents must be an up to date and valid **driving licence** issued by the DVLA. The Council may require access to the original documents to ensure their authenticity.

The Licensing Authority also requires the production of a number of other documents to verify the applicant's identity. The applicant must subscribe to the Disclosure and Barring Update Service and provide the Council as an authorised nominee access to view the applicants DBS status. These requirements are set by the DBS. Information received from the DBS will be kept in strict confidence whilst the licensing process takes its course and will be retained for no longer than necessary.

Licence holders are required to notify the Council within 48 hours of any investigation, arrest charge or conviction for ANY OFFENCE including but not limited to any sexual offence, any offence involving dishonesty or violence and any motoring offence, including the issue of a Fixed Penalty Notice (other than for a parking offence). An arrest for any offence will result in a review by the Council as to whether the licence holder continues to be fit to hold a licence.

## **7. Continuous Residency in the UK for 5 Years**

An applicant must provide the Council and the DBS with a 5 year address history of residency in the UK. If this cannot be provided due to the applicant having lived abroad a good conduct certificate authenticated by the relevant embassy or administrative body must be produced.

Therefore an applicant who has been out of the Country for longer than 6 months must provide evidence in accordance with: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

## **8. Right to Work in the UK**

An applicant must have the right to work in the UK. In some circumstances it may be necessary for the Council to contact the Home Office to confirm an applicant's right to work in the UK and a form of authority will be required to be signed by the applicant.

## **9. Medical Certificate**

Upon first application the Licensing Authority requires an applicant to provide a Group 2 medical certificate stating that they are physically and mentally fit to drive. The Certificate must be signed by

20

a medical practitioner who has access to the applicant's medical records and in a form acceptable to the Council.

A further medical certificate will be required on every second renewal of their licence since the medical certificate was last produced (every 6 years). After the age of 70 a driver will be required to produce a medical certificate each and every year.

Drivers are required to notify the Council of any medical condition which may affect their ability to drive as soon as it occurs.

## **10. Working with HMRC**

10.1 From 1/4/22. The Council will be required to signpost first-time applicants to HMRC guidance about their potential tax obligations and obtain confirmation that the applicant is aware of the guidance before considering the application. Where the application is not a first-time application (a renewed application) the licensing body must, before considering the application, obtain confirmation from HMRC that the applicant has completed a tax check.

10.2 An applicant will carry out a tax check by providing information to enable HMRC to satisfy itself that the applicant has complied with an obligation to notify their chargeability to tax, where such an obligation applied. The check will be completed when HMRC is satisfied the applicant has provided all information requested.

10.3 Where a HMRC failure prevents the licensing body from meeting its requirement to obtain confirmation of the completion of a tax check, that requirement will cease to apply. HMRC will also have discretion to waive the requirement where an HMRC failure prevented the applicant completing their tax check.

10.4 In cases where the licensing body has been unable to obtain confirmation of completion of the tax check for 28 days other than because of an HMRC failure (for example, where an applicant refuses to complete a tax check and therefore HMRC cannot provide confirmation that they have completed one) amendments to section 17 of the Transport Act 1985 will cause the extended licence to expire.

## **11. How We Assess Criminal Convictions**

Applicants are required to declare any convictions or cautions that they have received. The failure to inform the Council of any conviction or caution that the applicant has received may be viewed as deliberate dishonesty and affect our decision on whether we consider the applicant to be a fit and proper person.

Hackney Carriage and Private Hire vehicle licensed drivers are included in the 'Order of Regulated Occupations' in the Rehabilitation of Offenders Act 1974. This means that a criminal conviction is never considered "spent" under the Rehabilitation of Offenders Act 1974 in relation to licensed drivers or applications to be licensed as a driver.

Outstanding or alleged offences yet to be dealt with by the Courts will generally not be taken into account at the application stage unless they are of a serious nature; however the applicant must declare them at the time of application.

Oadby and Wigston Borough Council will decide upon the relevance of any convictions and each case will be decided on its own merits.

An applicant's criminal record will assist the Council in determining if a person is "fit and proper" person. The presence of criminal convictions or cautions will not automatically result in the refusal of

an application.

Convictions, cautions or other matters which affect the suitability of an applicant to be a licensed driver will be referred to the Council's Head of Law and Democracy for determination.

Appendix 10 gives further details about this.

## **12. "Totting Up" Procedure – DVLA Driving Licence**

Certain driving offences are punished by the imposition of penalty points on the driving licence issued by the DVLA. Once a person has reached 12 points within a 3 year period they are likely to be disqualified from driving by the Courts.

The accumulation of 12 points in 3 years will lead to a review of a drivers licence by the Head of Law and Democracy with the presumption that the licence will be revoked. The driver will be given notice of 14 days in which to submit a written explanation as to why they remain "fit and proper" to hold a licence.

## **13. Drivers Convicted Whilst Licensed**

The standard of "fit and proper" is a continuing one. The Licensing Authority will revoke a licence where it is satisfied that a driver is not a "fit a proper person"

A licence holder is required to notify the Council in writing of any conviction or caution within seven days of the conviction or caution date. Fixed penalty notices, should be notified to the Council within 7 days of when the notice is accepted. Failure to notify the Council may result in the revocation of a licence.

## **14 Investigating Convictions**

We may carry out further investigation into a conviction. This may be by asking the applicant or licensed driver to attend our office for a formal interview to explain the convictions, submit a written explanation or submit character references by two people who know him or her or a combination of all three.

A licence may be suspended pending the outcome of any investigation or where an existing driver is found to be awaiting trial or has been charged with a serious crime relating to;

- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
- A drug related offence
- Indecent exposure, indecent assault, importuning, or any of the more serious sexual offences  
or,
- Grievous bodily harm, wounding or assault  
or,
- Dishonesty

## **15 Warnings, Cautions and Suspensions and Revocations of Licences**

A licence may be suspended or revoked where information received raises doubts as to the fitness of a driver, regardless of whether criminal charges are brought.

Complaints in relation to existing drivers will generally be held on file and taken into consideration for a period of three years from receipt. However the seriousness of a complaint or further related issues

22

occurring may require this period to be extended in the interests of public safety.

Where a driver has committed a criminal offence the Council may issue a driver with a formal caution as an alternative to prosecution where it feels that such action is necessary, proportionate and appropriate. However, for all criminal offences the Council has discretion as to when it feels it is in the public interest to prosecute.

Written warnings may be issued in relation to specific offences and kept on file for at least three years depending upon the type and relevance of the offence.

Penalty points may also be awarded in line with the Council's penalty points' scheme.

If a licence is revoked a period of 3 years should have generally elapsed, before a further application is likely to be favourably considered.

Where refusal, suspension or revocation of an application or licence is being considered, the applicant or licensed driver may be given an opportunity to state their case in relation to the issue(s) of concern. This will depend on the severity of the behaviour or criminal conviction leading to the refusal, suspension or revocation. This may be either by attending a meeting with a Licensing Officer to discuss the concerns, submitting evidence in writing or by appearing before a sub-committee of three elected Members. The Head of Law and Democracy will determine the most appropriate forum to receive the representations from the applicant/licensed driver in accordance with the Council's scheme of delegation.

## **16 Renewal of Licence**

It is the driver's responsibility to ensure that their licence is renewed prior to the expiry of their current licence. Any licence that has expired prior to the submission of a valid renewal application **cannot** be renewed as a matter of law and a new application will need to be submitted. This may result in a requirement to undertake the Blue Lamp Trust Driving assessment and the Council's competency test again.

## **17 Right of Appeal**

Any person who is aggrieved by the Council's refusal to grant, suspend or revoke a driver's licence may appeal to a Magistrates Court within 21 days of being notified in writing of the decision.

In line with Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, where it appears to the Council that it is in the interests of public safety for any revocation to have immediate effect there will be no right to drive as a Private Hire or Hackney Carriage driver pending the outcome of an appeal.

This power will generally only be invoked where there are allegations of serious violent offences, offences of a sexual nature or for any other reason where the Council considers there to be a serious risk to passengers or members of the public in allowing the driver to continue as a Private Hire driver.

The right to appeal will be explained in writing when the applicant or driver is notified of the Council's decision.

## 17.0 Private Hire Operators

### **1. The Need for an Operator's Licence**

Anyone who accepts or invites bookings for Private Hire Vehicles must obtain a Private Hire Operators licence from the Council and only vehicles and drivers that are licensed by that same Council can be used.

### **2. "Fit and Proper" Person**

The Council will not grant a Private Hire operator's licence unless it is satisfied that the applicant is a "fit and proper" person, that the licence conditions will be adhered to and that the address where the operation is based is suitable for such an activity.

Any applicant, joint applicant, business partner, associate, or director (if the applicant is a company) who is not also a licensed driver will be required to apply for a DBS check through the Council.

We will require any of the above who intend to actively participate in the operational side of the business to take a specific Competency Test designed for Operators. The cost of the test will need to be paid for by the applicant(s) and they will have 3 chances to pass this test within 3 months. They must pass the test prior to an application being received.

### **3. Criminal Record Check**

In order to carry out this check the Council is obliged to verify the identity of the applicant and requires a basic disclosure from the DBS and that an annual submission is provided to the Council.

The applicant will undertake annual DBS checks of all staff that will take bookings or dispatch vehicles. A register will be provided to the Council and the operator must update the Council of any changes to the register within 7 days of any changes to the staff.

Licence holders are required to notify the Council within 48 hours of ANY arrest charge or conviction including but not limited to any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any offence will result in a review by the Council as to whether the licence holder remains fit to continue to hold the licence.

### **4. Application Requirements**

The applicant must complete the application form supplied by the Council. Any person who is not also a driver currently licensed by the Council is required to complete a DBS application form.

Applications should be made at least six weeks before the licence is required (including renewals) otherwise it may not be granted by any preferred date of issue or renewal date. It is the responsibility of the applicant or the existing licence holder to ensure that applications are made in good time.

If a renewal application is not made six weeks in advance a renewed licence may not be granted by the time the old licence expires. If this happens the operator will not legally be able to operate in the interim period.

### **5. Trading Names**

Only trading or business names authorised by the Council can be used. This is the name that the licence

will be issued to. This requirement relates to any names used on promotional material, advertisements, website or any other form of document. This is to ensure that public safety is not compromised by making it unclear to members of the public as to who they are entering into a contract with.

## **6. Premises and Vehicle Numbers**

In order to ensure that accurate regulation and realistic enforcement is undertaken by the Council, a licence shall not be granted to any applicant whose operating centre or intended operating centre is outside of the Borough unless that applicant is either renewing a licence which was previously granted by the Council at a time when their operating centre was located outside the district or they can demonstrate a legitimate intention to operate a service to members of public living in the Borough.

Any applicant or licence holder intending to allow members of the public to attend their premises to book vehicles must provide current and valid public liability insurance certificates to the Council.

Operators must also disclose how many vehicles he intends to operate at any one time. This number will be a condition on his licence. The ability of the applicant to manage the number of vehicles specified will also be of consideration as to whether the applicant is “fit and proper”.

## **7. Planning Permission**

It is the responsibility of the applicant or licence holder to ensure that they have the appropriate planning permission for their intended place of business. The grant of an operator licence will not prevent the need for planning consent and approval where required. If appropriate planning permission is not in place a licence may still be granted but a licence holder trading in breach of planning law is likely not to be considered a “fit and proper” and run the risk of a licence not being granted or being revoked.

## **8. Conditions**

Conditions apply to all operator licences issued by the Council. These conditions can be found at appendix 9.

## **9. Renewal of Licences**

It is the licensee’s responsibility to ensure that their licence is renewed prior to its expiry. Any licence that has expired prior to the submission of a valid renewal application **cannot** be renewed as a matter of law and a new application will need to be submitted. The operator must not continue to operate until such time as the new licence is granted.

Where an application to renew a licence has not been made and the operator continues to operate private hire vehicles illegally the Council will prosecute and is unlikely to grant another licence to that operator.

## **10. Amendments to Licences**

An operator requiring any amendment to their licence must complete a relevant application form and pay the appropriate fee. An amendment may be necessary to increase the number of vehicles operated, change a trading name, include an additional licensee or add to or change the operator’s booking office.

## **11. Right of Appeal**

Any applicant who is aggrieved by the Council's decision to refuse to grant, renew or to revoke an operator's licence or to apply conditions to the licence may appeal to a Magistrates Court within 21 days of being notified in writing of the decision.

# Appendix 1: Table of Offences

There are a number of offences which can be committed by drivers, operators or proprietors of licensed vehicles. Any of the offences committed by any person listed within this appendix may result in their prosecution by the Council. It should be noted that laws change and this list is solely for the information of the licensed trade and does not cover every possible infringement that may be committed.

In relation to the maximum penalties specified, the levels of fine are currently as follows:

**Level 1 - £200**

**Level 2 - £500**

**Level 3 - £1,000**

**Level 4 - £2,500**

## OFFENCES IN RESPECT OF HACKNEY CARRIAGES (HC)

### Town Police Clauses Act 1847

Section	Offence	Maximum Penalty
40	Giving false information on application for HC Licence	Level 1
44	Failure to notify change of address of HC proprietor	Level 1
45	Plying for hire without HC Proprietors licence	Level 4
47	Driving a HC without a HC drivers licence	Level 3
47	Lending or parting with HC driver's licence	Level 3
47	HC proprietor employing unlicensed driver	Level 3
48	Failure by HC proprietor to hold HC driver's licence	Level 1
48	Failure by HC proprietor to produce HC driver's licence	Level 1
52	Failure to display HC plate	Level 1
53	Refusal to take a fare	Level 2
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3 and 1 month imprisonment

56	Travelling less than the lawful distance for an agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying other person than the hirer without consent.	Level 1
60	Driving HC without Proprietor's consent	Level 1
60	Allowing another to drive HC without proprietor's consent.	Level 1
61	Drunken driving of HC	Level 1
61	Wanton or furious driving leading to injury or danger	Level 1
62	Driver leaving HC unattended.	Level 1
64	HC driver obstructing other HC's.	Level 1

#### Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Maximum Penalty
49	Failure to notify the transfer of a HC proprietor's licence	Level 3 (by virtue of s76)
50(1)	Failure to present a HC for inspection, as required	Level 3 (by virtue of s76)
50(2)	Failure to inform the Authority where the HC is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Authority	Level 3 (by virtue of s76)
50(4)	Failure to produce the HC Proprietor's licence and insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce the HC driver's licence	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a HC driver's licence	Level 3 (by virtue of s76)

58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	Level 3 + fine of £10/day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
64	Permitting any vehicle other than a HC to wait on a HC stand.	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as Private Hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an Officer or Constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised officer or constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	Level 3 (by virtue of s76)

**OFFENCES IN RESPECT OF PRIVATE HIRE (PH)**

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed PH Vehicle	Level 3 (by virtue of s76)
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3 (by virtue of s76)
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	Level 3 (by virtue of s76)
46(1)(d)	Operating a PH vehicle without a PH operator's licence.	Level 3 (by virtue of s76)

46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the driver is not licensed as a PH driver.	Level 3 (by virtue of s76)
48(6)	Failure to display a PH vehicle plate.	Level 3 (by virtue of s76)
49	Failure to notify transfer of a PH vehicle licence.	Level 3
50(1)	Failure to present a PH vehicle for inspection, as required	Level 3 (by virtue of s76)
50(2)	Failure to inform the Authority where the PH vehicle is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Authority	Level 3 (by virtue of s76)
50(4)	Failure to produce the PH vehicle licence and an insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce a PH driver's licence	Level 3 (by virtue of s76)
54(2)	Failure to wear a PH driver's badge.	Level 3 (by virtue of s76)
56(2)	Failure by a PH operator to keep records of bookings.	Level 3 (by virtue of s76)
56(3)	Failure by a PH operator to keep records of PH vehicles operated by him.	Level 3 (by virtue of s76)
56(4)	Failure to produce a PH operator's licence on request.	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a PH driver or operator licence.	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	Level 3 + fine of £10/day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as Private Hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)

<b>73(1)(a)</b>	<b>Obstruction of an Officer or Constable</b>	<b>Level 3 (by virtue of s76)</b>
<b>73(1)(b)</b>	<b>Failure to comply with a requirement of an authorised officer or constable.</b>	<b>Level 3 (by virtue of s76)</b>
<b>73(1)(c)</b>	<b>Failure to give information or assistance to an authorised officer or constable.</b>	<b>Level 3 (by virtue of s76)</b>

**Transport Act 1980**

<b>Section</b>	<b>Offence</b>	<b>Maximum Penalty</b>
<b>64(2)(a)</b>	<b>Driving a PH vehicle with a roof sign, which contravenes s64 (1).</b>	<b>Level 3</b>
<b>64(2)(a)</b>	<b>Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s64 (1).</b>	<b>Level 3</b>

## Appendix 2: Conditions Applicable to Private Hire Vehicles

The following conditions will be attached to all Private Hire vehicles licensed by Oadby and Wigston Borough Council:

1. This licence is not transferable to any other vehicle and applies only to the vehicle specified in this licence.
2. The external licence plate supplied with this licence and bearing the licence number and the vehicle registration number shall be fixed to the rear of the vehicle in a prominent position where it is clearly viewable to members of the public or in such a position and manner as may be further specified by Oadby and Wigston Borough Council.
3. The internal licence plate supplied with the licence and bearing this licence number and the vehicle registration number shall be displayed on the inside of the windscreen of the vehicle where it is clearly viewable to members of the public and passengers or in such a position and manner as may be further specified by Oadby and Wigston Borough Council.
4. If either licence plate is lost, damaged or defaced the licensee shall be responsible for notifying the Council immediately and for the cost of its replacement.
5. The proprietor of the vehicle will not permit any person to drive the vehicle unless that person holds a valid Hackney Carriage/Private Hire vehicle driver's licence issued by the Council except for when a person drives the vehicle for the purpose of conducting a vehicle inspection report/MOT/other mechanical check.
6. The proprietor of the vehicle must notify the Council of any change in his or her address or of any change in ownership of the vehicle within 7 days of such change occurring.
7. The occurrence of any accident involving the vehicle which materially affects the safety, performance or appearance of the vehicle must be reported to the Council within 72 hours.
8. The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe and tidy and clean condition and all relevant statutory requirements shall be fully complied with.
9. The proprietor of the vehicle will ensure that driver will carry a guide dog or other assistance dog as defined in the Equality Act 2010 upon the request of a hirer unless the driver of the vehicle at the time of the request holds a certificate exempting him from this duty.
10. Any animal, other than one to which the Equality Act 2010 applies may be carried by this vehicle at the discretion of the driver in such a place as may be specified by the driver.

11. One roof sign stating the name of this vehicles licensed private hire operator and its telephone number and the wording "advance bookings only" is permitted. The Council reserve the right to request the removal of this roof sign. No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle without written approval of the Council.
12. There shall be provided and maintained in the vehicle at all times when in use and available for hire a suitable and efficient fire extinguisher which conforms to the current British Standard (BS5423) (minimum capacity 1 litre). Such fire extinguisher will be kept within the vehicle in a place where it is easily accessible and be clearly marked with the vehicles licence plate number and/or registration number.
13. A suitable first aid kit will be kept and maintained within the vehicle and will clearly bear the vehicle licence number and/or registration number.
14. Where the holder of this licence allows another person to use the licensed vehicle the licence holder must inform the Council of the name, address and the Hackney Carriage/Private Hire vehicle driver licence number of that other person and the period of time that person will be using the vehicle.
15. This licence will expire 12 months after the date of issue. The expiry date is specified on this licence and the external and internal plates supplied with it.
16. This vehicle licence is subject to the licensed vehicle passing a vehicle test six months from the issue date of this licence unless exempted from this requirement by the Council due to it being aged two years or less from the date of its manufacture.
17. Application for renewal of this licence should be made to The Licensing Section, Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR.

## Appendix 3: Conditions Applicable to Hackney Carriages

The following conditions will be attached to all Hackney Carriage vehicles licensed by Oadby and Wigston Borough Council:

1. This licence is not transferable to any other vehicle and applies only to the vehicle specified in this licence.
2. The external licence plate supplied with this licence and bearing the licence number and the vehicle registration number shall be fixed to the rear of the vehicle in a prominent position where it is clearly viewable to members of the public or in such a position and manner as may be further specified by Oadby and Wigston Borough Council.
3. The internal licence plate supplied with the licence and bearing this licence number and the vehicle registration number shall be displayed on the inside of the windscreen of the vehicle where it is clearly viewable to members of the public and passengers or in such a position and manner as may be further specified by Oadby and Wigston Borough Council.
4. If either licence plate is lost, damaged or defaced the licensee shall be responsible for notifying the Council immediately and for the cost of its replacement.
5. The proprietor of the vehicle will not permit any person to drive the vehicle unless that person holds a valid Hackney Carriage/Private Hire vehicle driver's licence issued by the Council except for when a person drives the vehicle for the purpose of conducting a vehicle inspection report/MOT/ or other mechanical check.
6. The proprietor of the vehicle must notify the Council of any change in his or her address or of any change in ownership of the vehicle within 7 days of such change occurring.
7. The occurrence of any accident involving the vehicle which materially affects the safety, performance or appearance of the vehicle must be reported to the Council within 72 hours.
8. The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe and tidy and clean condition and all relevant statutory requirements shall be fully complied with.
9. The proprietor of the vehicle will ensure that driver will carry a guide dog or other assistance dog as defined in the Equality Act 2010 upon the request of a hirer unless the driver of the vehicle at the time of the request holds a certificate exempting him from this duty.
10. Any animal, other than one to which the Equality Act 2010 applies may be carried by this vehicle at the discretion of the driver in such a place as may be specified by the driver.

11. One roof sign stating the name of this vehicles licensed private hire operator and its telephone number may be displayed. The word "Taxi" or words "for hire" should be displayed. The Council reserve the right to request the removal of this roof sign. No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle without written approval of the Council.
12. There shall be provided and maintained in the vehicle at all times when in use and available for hire a suitable and efficient fire extinguisher which conforms to the current British Standard (BS5423) (minimum capacity 1 litre). Such fire extinguisher will be kept within the vehicle in a place where it is easily accessible and be clearly marked with the vehicles licence plate number and/or registration number.
13. A suitable first aid kit will be kept and maintained within the vehicle and will clearly bear the vehicle licence number and/or registration number.
14. Where the holder of this licence allows another person to use the licensed vehicle the licence holder must inform the Council of the name, address and the Hackney Carriage/Private Hire vehicle driver licence number of that other person and the period of time that person will be using the vehicle.
15. This licence will expire 12 months after the date of issue. The expiry date is specified on this licence and the external and internal plates supplied with it.
16. This vehicle licence is subject to the licensed vehicle passing a vehicle test six months from the issue date of this licence unless exempted from this requirement by the Council due to it being aged two years or less from the date of its manufacture.
17. Application for renewal of this licence should be made to The Licensing Section, Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR.

## Appendix 4: Byelaws Applicable to Hackney Carriages

### 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 Oadby & Wigston with respect to Hackney Carriages in the Borough of Oadby & Wigston.

#### Interpretation

1. Throughout these byelaws “the Council” means the Council of Oadby & Wigston and “the district” means the Borough of Oadby & Wigston.

#### Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence shall be displayed

- 2.a)
  - i) If an external licence plate bearing the number of his licence has been supplied by the Council to the proprietor of a Hackney Carriage such proprietor shall cause such external plate to be affixed to the rear of the carriage in a prominent upright position so as to be at all times plainly visible;
  - and
  - ii) If an internal licence plate bearing the number of his licence has been supplied by the Council to the proprietor of a Hackney Carriage such proprietor shall cause such internal plate to be affixed to the inside of the windscreen of the carriage in a prominent upright position so as to be plainly visible to other persons in the carriage
- 2.b) A proprietor or driver of a Hackney Carriage shall: -
  - (i) not wilfully or negligently cause or suffer any such plate to be concealed from public view while the carriage is standing or plying for hire;
  - and
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

#### Provisions regulating how Hackney Carriages are to be furnished or provided

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

available for use;

and

- (i) provide a working electric light in the interior of such carriage for the use of any person hiring such carriage or being driven therein
4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:-
- (a) the taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
  - (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**

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

6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto provided that this shall not prevent the proprietor or driver from temporarily removing the taximeter from the Hackney Carriage to a place of safety when the Hackney Carriage is not in use.
7. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:-
  - a) proceed with reasonable speed to one of the stands appointed by the Council;
  - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;

And

  - 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.
8. A proprietor or driver of a Hackney Carriage when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. 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.
12. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.
13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading; and
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which the driver 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**

14. (i) The proprietor or driver of 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 a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

- (ii) Where a Hackney Carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
- 15.(i) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (ii) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

#### **Provisions securing the safe custody and re-delivery of property accidentally left in Hackney Carriages and fixing the charges to be made in respect thereof**

16. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage, be found by or handed to him:-
- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to either the office of the Council (provided that any day on which such office is closed shall be excluded from such calculation) or to a police station in the district and leave it in the custody of the officer in charge of the office or police station as the case may be 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 the office of the Council or the police station, whichever be the greater) but not more than five pounds.

#### **Penalties**

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

#### **Repeal of byelaws**

19. The byelaws relating to Hackney Carriages which were made by Oadby & Wigston Borough Council on 5<sup>th</sup> day of January 1977 and which were confirmed by the Secretary of State on 18 February 1977 are hereby repealed.

## Appendix 5: Hackney Carriage Taximeter Standards

All Hackney Carriage vehicles must be fitted with a taximeter installed by an authorised taximeter company. The taximeter is to be maintained so that it complies with the following requirements:-

1. The taximeter shall be fitted with a key, flag or other device, the turning of which will bring the taximeter into action and cause the word **"HIRED"** to appear on the face of the taximeter
2. Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not then in action and no fare is recorded on the face of the taximeter
3. When the taximeter is in action there shall be recorded on its face in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the scale of fares set by the Council
4. 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
5. The taximeter shall be so placed so 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
6. 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 and in a position so as not to present any hazard to the occupants of the vehicle or impede and safety equipment fitted to the vehicle such as airbags, seatbelts etc.
7. The taximeter shall be calibrated and sealed by the taximeter company at first installation and then on an annual basis or when the seal is broken or missing or following a change to the Table of Fares. A valid certificate should be produced to the Council on transfer or change of a licence. Once adopted a table of fares must be clearly displayed within the vehicle

## Appendix 6: Hackney Carriage Table of Fares

### BOROUGH OF OADBY AND WIGSTON LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Oadby and Wigston Borough Council, in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and in accordance with the Council's Hackney Carriage byelaws has implemented the following table of fares:

<b>1. DISTANCE</b>	<b>Maximum fare</b>
Up to and including one mile (1.61 kilometres)	<b><u>£3.00</u></b>
For each additional one fifth of a mile (322 metres)	28p
<b>2. WAITING TIME</b>	
For each completed period of 1 minute	<b><u>30p</u></b>
<b>3. EXTRA CHARGES</b>	
(a) For each journey begun or ended between midnight and 6 am (other than bank holiday Mondays, Christmas Day, Boxing Day and New Year's Day).	Normal fare plus 33 %
(b) For each journey begun or ended on Christmas Day, Boxing Day and New Year's Day, for each journey made after 6 pm on Christmas Eve and New Year's Eve and for each journey begun or ended between midnight and 6 am on 27 December and 2 January.	Double fare
(c) For each journey begun or ended on a bank holiday Monday.	Normal fare plus 33%
(d) For all journeys made by vehicles which can accommodate between 5 and 8 passengers.	Normal fare plus 50%
(e) For each dog carried (except assistance dogs which travel free).	<b><u>£1.00</u></b> per journey
(f) Soiling charge	<b><u>£50.00</u></b>
(g) Wheelchairs	Free of charge

#### **NOTICE TO PASSENGERS:** Travelling outside the Borough boundary:-

1. Fares for these journeys are negotiable between the driver and the hirer before the journey commences.
2. Where no fare is agreed in advance of the journey, the maximum charge is limited to the amount which would be payable if calculated on the above scale fixed by the Borough Council for journeys within the Borough.

## Appendix 7: Private Hire Plate Exemption for Executive Vehicles

Where a driver requests an exemption from the conditions requiring the display of the normal vehicle licence plates the following policy will apply.

A vehicle will be exempted under this policy where Oadby and Wigston Borough Council are satisfied that the vehicle is suitable for licensing as an executive hire vehicle and the vehicle is used predominantly for this purpose. 80% of all work must be of a corporate or executive nature, as opposed to ordinary Private Hire work. Such work does not include airport transfers for non-corporate customers.

The applicant must make a formal application in writing and give the following information:

- The full details of the vehicle required to be exempt from displaying the traditional plate, including make and model of vehicle, vehicle registration, its licence details, the vehicle owner's details and full name and address and licensed drivers number of the driver using the vehicle.
- The applicant must satisfy Oadby and Wigston Borough Council that the vehicle is suitable for licensing as an executive hire vehicle.
- The applicant must provide evidence of an account or accounts with a recognised business customer. Full details of clients must be provided in order to determine the application and should include the name of the company or companies, their address, telephone number, e-mail address and an individual contact able to provide a reference.
- The approximate number of journeys undertaken for each client on a weekly basis must also be provided for the last six months to allow determination that 80% of the work carried out is of a corporate nature.

### **The following conditions will apply:**

- Drivers of executive vehicles should be appropriately dressed, usually in a business suit or jacket and tie with smart trousers and required to show their licensed drivers badge upon request.
- No form of advertising or signage will be permitted on an executive vehicle other than the executive licence plate.
- Records must be provided annually or upon the request of a Licensing officer to allow the council to verify that such an exemption is still suitable.
- All other private hire conditions will apply.

## Appendix 8: Conditions Attached to Combined Hackney Carriage and Private Hire Driver Licences

1. The licensed driver shall at all times when acting in accordance with the driver's licence granted to him wear the identification badge supplied to him on the Council issued lanyard. The badge must be displayed in such manner that the front, displaying the name and photograph of the driver, is clearly visible to members of the public.
2. The licensed driver shall display the supplied duplicate copy of his identification badge on the dashboard of any licensed vehicle driven by him in a position where it is clearly visible to passengers within the vehicle.
3. This licence and the driver's badges will be returned to the Council as soon as reasonably practicable upon the expiry, revocation or suspension of the licence.
4. This licence must be produced on request by an Authorised Officer of the Council or a Police Constable.
5. This licence is granted to the named licence holder only and is not transferable to any other person.
6. When driving a licensed vehicle in accordance with this licence the licence holder will ensure that the licensed vehicle plates are affixed securely to the vehicle and displayed in the manner specified.
7. The licensed driver shall within seven days disclose to the Council, in writing, provide details of any of the following occurrences:
  - i) The licensed driver being convicted of any offence, with the notification to include details of the date and venue of the conviction, the offence for which the driver has been convicted and the penalty imposed.
  - ii) The licensed driver being given a caution, with the notification to include details of the date and venue of the caution and the offence for which the driver has been cautioned.
  - iii) The licensed driver accepting a fixed penalty notice with notification to include the details of the date, the location or venue and the nature of the offence the fixed penalty notice was given for.
  - iv) The licensed driver changing his address, with the notification to include full details of the new address.
8. The licensed driver shall, on receipt of any complaint by a hirer or other passenger, immediately notify the complainant of their right to forward the complaint to the Council.

9. The licensed driver shall, on receipt of any complaint, inform any relevant Private Hire Operator of the particulars of the complaint, the date and time the complaint was received, the name and address of the complainant and the nature of the complaint.
10. The licensed driver shall, immediately after the termination of the hiring of the vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
11. Any property accidentally left by any person in a licensed vehicle driven by the licensed driver and found by, or handed to, the licensed driver, shall be taken within 48 hours to the nearest Police Station and left in the custody of the officer in charge, unless it is claimed by the owner within that time.
12. The licensed driver shall:
  - i) Afford all reasonable assistance with passengers' luggage;
  - ii) At all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
  - iii) Take all reasonable steps to ensure the safety of passengers and luggage conveyed in, entering or alighting from the vehicle driven by him;
  - iv) Not without the express consent of the hirer, drink or eat in the vehicle;
  - v) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
  - vi) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
13. The driver shall, immediately notify the Council of the existence of any medical condition which may affect their ability to drive.
14. Maintenance of the vehicle. The licensed driver shall:
  - i) Ensure that the vehicle to be driven by him is in a roadworthy condition, thoroughly cleaned and all equipment, fittings and fixtures are present and serviceable and complies with the conditions attached to the licence relating to the vehicle before the commencement of any journey.
  - ii) Record details of checks and inspections in the record book provided by the proprietor of the vehicle.
  - iii) Report any defect discovered by the licensed driver to the proprietor of the Vehicle.

15. The licensed driver shall not:
- i) Convey or permit to be conveyed in the Vehicle a greater number of persons than that prescribed in the licence for the Vehicle.
  - ii) Without the consent of the Hirer, convey or permit to be conveyed any other person in the Vehicle.
  - iii) Allow to be conveyed in the front of the vehicle:
    - (1) Any child below the age of three years
    - (2) More than one person above the age of three years
    - (3) An infant secured only in the arms of a passenger.

### **Variation of Conditions**

The Council reserves the right to vary, delete or waive any of these Conditions.

### **Appeals**

If aggrieved by any of these Conditions, the Licensee may appeal to a Magistrates' Court within twenty-one days of the issue of the Licence to the Licensee.

## Appendix 9: Conditions Attached to Private Hire Operator Licences

1. This licence is granted to the person named on the licence and is not transferable to another person.
2. The address or addresses from which the licence holder is permitted to operate from is named on this licence. No other address or addresses are permitted to be used for the operation of private hire bookings.
3. Where the licence holder operates from premises to which the public have access the licence holder must at all times have a valid certificate of Public Liability Insurance.
4. This licence must be produced on request by an authorised officer of the Borough Council or by a Police Constable.
6. A record shall be kept by the licence holder of every contract for the hire of a vehicle made by the operator to whom this licence is granted. The records required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 must be in a manner, whether written or electronic form, which enables them to be examined or audited. The operator must record, before the commencement of each journey, the following particulars of every booking:
  - the name of the passenger;
  - the time of the request;
  - the pick-up point;
  - the destination;
  - the name of the driver;
  - the driver's licence number;
  - the vehicle registration number of the vehicle;
  - the name of any individual that responded to the booking request;
  - the name of any individual that dispatched the vehicle.
7. The Licensee shall ensure that any person employed by him or otherwise utilised by him in the fulfilment of a licensed private hire booking is in possession of a valid Hackney Carriage/Private Hire vehicle drivers licence issued by Oadby and Wigston Borough Council and drives a vehicle licensed for the purpose of private hire by Oadby and Wigston Borough Council.
8. The Licensee shall maintain records at all times containing, as a minimum, the following information:-
  - a. The name of the driver
  - b. The address of the driver
  - c. Badge number of the driver
  - d. Date employment commenced e. Radio call sign used

- f. Date employment ceased (if applicable) g. Registration of vehicle used by driver
- h. Vehicle Licence number (HC/PHV)
- i. Vehicle make, model and colour

9. The records required to be maintained by the licence holder in satisfaction of condition 8 will be available for inspection by a licensing officer or other authorised officer of the Council or supplied within 24 hours to the Council upon request.

10. The Licensee shall within 7 days disclose to the Council in writing details of any convictions imposed upon him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

11. The applicant will provide to the Council a register of all staff that will take bookings or dispatch vehicles. This will sent with application form and maintained within 7 days of any changes to the register

**12.** Licence holders are required to notify the Council within 48 hours of an arrest or release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review by the Council as to whether the licence holder is fit to do so

## Appendix 10: Policy on Assessing Convictions

When considering whether an applicant or licensed driver or operator is “fit and proper” to hold a licence the following policy will apply.

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

In determining safety and suitability, Oadby and Wigston Borough Council is entitled to take into account all matters concerning that applicant or licensee. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

### **General**

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered. In this policy, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in conviction.

In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the Council to decide what action to take.

In all cases, Oadby and Wigston Borough Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits and in the light of this policy.

### **Convictions for Minor Traffic Offences**

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).

Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a

licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. Major Traffic Offences

Major traffic offences include, but are not limited to, using a vehicle uninsured against third party risks, reckless driving, driving whilst disqualified and driving or attempting to drive whilst under the influence of drink or drugs or any offence which resulted in injury to any person or damage to any property (including vehicles).

Convictions for major traffic offences will raise doubts about the fitness of an applicant. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Offences Involving Violence**

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

### **Drugs and Alcohol**

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

Where an applicant has any conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### **Hand-Held Telephone or Device Offences**

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

### **Dishonesty Offences**

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

### **Discrimination Offences**

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence

### **Sexual Offences**

Any conviction or confirmed allegation of sexual misconduct will result in the revoking of a licence

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

Where an applicant has a conviction for any offence concerned with or connected to a hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Vehicle Use Offences**

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Combined or Multiple Offences**

Where an applicant or licence holder has a combined number of offences which may, when taken individually fall into the above guidelines, the Council will consider the cumulative effect of convictions. A frequent or varied number of minor offences may result in the Council not being satisfied a person is fit and proper until a much longer period than those specified above has elapsed without further conviction.

### **Disclosure**

When dealing with an applicant or licence holder who has convictions the Council will also take into account the convicted persons dealings with the Council. Any person who fails to disclose a conviction without good reason will be considered by the Council to be acting dishonestly and therefore not suitable to work safely with members of the public.

# Appendix 11: Penalty Points Scheme

## **1. Introduction**

This guidance describes the Penalty Point System that will be used by the Council to deal with minor offences, breaches of licence conditions or unacceptable behaviour committed by Private Hire Operators, Hackney Carriage/Private Hire Drivers or Proprietors of Licensed Vehicles.

## **2. Purpose of Scheme**

The key responsibility of the Council is to ensure that only “fit and proper” persons are allowed to act as Hackney Carriage/Private Hire Vehicle Drivers or Operators to protect members of the public.

The majority of offences created by the legislation applicable to licence holders require the Council to either prosecute or revoke a licence. There is no way of dealing with minor offences which, when taken alone, are not serious enough to warrant the suspension or revocation of a licence.

The Penalty Points Scheme is designed to identify drivers, operators or vehicle proprietors who repeatedly commit minor breaches of law and licence conditions, which over time indicates that they are not a “fit and proper” person to hold a licence.

The Penalty Points Scheme is designed to focus licensee’s attention on the importance of abiding by the conditions of their licence and the law. It is not a system to penalise responsible licence holders. The Council recognise that all licence holders will make minor mistakes from time to time. The Penalty Points Scheme however will allow the Council to recognise those licence holders who frequently commit offences to the point that they are putting members of the public at risk.

It is not intended that the Penalty Points Scheme will replace or act as an alternative to the Council’s options to caution or prosecute for offences. Rather, the scheme will be there to run concurrently with these powers. Depending upon the severity of an offence, the Council may decide to prosecute or caution for an offence, as well as award penalty points against the driver.

## **3. Who is Covered by the Scheme**

Penalty points may be awarded against anyone holding a Hackney Carriage/Private Hire vehicle Drivers licence, Hackney Carriage licence, Private Hire Vehicle licence or Private Hire Operator’s licence.

## **4. How the Scheme Works**

The scheme includes a number of offences that may be committed by a licence holder and attributes points to them. Once a licence holder has received a certain level of points within a 24 month period the Council will consider if further action is needed to be taken.

Any points accrued under the scheme are completely separate from any points which may be attached to a DVLA driving licence by the Police or the Courts.

Whilst the scheme provides a way of dealing with minor matters, it does not override the Council’s

discretion to suspend or revoke a licence for a more serious matter. Nor does it mean that breaches of legislation will not result in prosecutions, where it is considered right to do so.

Where there is evidence that there has been an offence, a breach of condition or inappropriate behaviour the licensee will be issued with Penalty Points under this scheme.

#### **5. Penalty Points Notice**

A Penalty Points Notice will be issued to a licence holder where there is evidence that an offence listed in this scheme has been committed. Usually this will be where the offence or breach has been witnessed by either one of the Council's Licensing Officer, a Police Officer, a Police Community Support Officer or another Council Officer. Penalty Points will be awarded where written complaints received from members of the public, local residents or businesses and where there is clear, verifiable evidence that an infringement has taken place.

The notice will inform the licence holder that points have been given to him and are kept on our records. The notice will describe the offence, when it took place, and how many points have been awarded to the licensee. This notice will be issued to the licensee in person or through the post to his or her home. The notice will also inform the licence holder of his right to appeal.

#### **6. Points Total for Drivers and Vehicle Proprietors**

The total amount of points that may be awarded to the holder of a drivers licence or vehicle licence before their licences are reviewed is 12 points within 24 months (2 years).

Once this threshold is reached the offenders licences will be reviewed. This could result in a warning, suspension or revocation of licence, an extension to the time period for the points will stay on his licence or requiring the licence holder to obtain a pass certificate from the Driver Standards Agency's Hackney Carriage/Private Hire assessment test or undertake the Councils competency test. There is redress to the Magistrates Court only in the cases of either suspension or revocation of a licence.

#### **7. Points Total for Operators**

The total amount of points that may be awarded to the holder of an operator's licence is 24 within a 24 month period. This is due to the different types of offences that points may be awarded for. The points will be attached to the operating licence and not any other licence held by the operator.

#### **8. Appealing Against a Penalty Notice**

A licence holder in receipt of Penalty Points may appeal against the notice in writing to the Head of Corporate Resources within 28 days from the date of the notice giving the reasons why the points given are not appropriate. The matter will then be considered by the Head of Corporate Resources and a written response will be sent to the appellant.

# Penalty Points Scheme

## Offences and Point Scale

### Offences where Penalty Points will be given to Drivers

Offence	Code	Points
Failure to give reasonable assistance to a passenger to or from any building, station or place at which the driver may pick up or drop off.	D1	2
Failure to give reasonable assistance with passenger's luggage to or from any building, station or place at which the driver may pick up or drop off.	D2	2
Failure to maintain a reasonably clean and respectable appearance when conveying members of the public in a licensed vehicle or otherwise working in a capacity as a licensed driver.	D3	2
Drinking or eating without the express consent of the hirer.	D4	2
The playing of any radio or sound or visual reproducing instrument or equipment without the express consent of the hirer other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.	D5	2
Failure to check a vehicle used by the driver for the carriage of passengers for lost property after each fare.	D6	2
Failure to take any lost property found in a vehicle used by the driver for the carriage of passengers to a Police Station as soon as possible or within 48 hours.	D7	2
Failure to notify the Licensing Authority within 7 days of a change in address or for every 7 days that elapses following a change in the licensed drivers address for which the driver fails to notify the Licensing Authority.	D8	1
Failure to take all reasonable steps to ensure the safety of passengers conveyed in, entering or leaving the vehicle driven by the licensed driver.	D9	3
Causing or permitting the playing of any radio or sound or visual reproducing instrument or equipment in a licensed vehicle to be a source of nuisance or annoyance to anyone, whether inside or out.	D10	2
Refusing to carry a guide dog or assistance dog without a licensed driver's exemption certificate.	D11	5
Failure to notify the Council within 48 hours of an investigation, arrest, charge or conviction for any offence.	D12	6

Failure to notify the Licensing Authority in writing within 7 days of any caution or conviction or fixed penalty notice imposed, received or accepted by the driver.	D13	5
Behaving in a rude, abusive, offensive or obstructive manner or other conduct failing to be civil and orderly, whether to customers, authorised officers, Council staff, or members of the public.	D14	3
Failure of a licensed driver to produce valid vehicle insurance certificate within 7 days of request.	D15	3
The sounding of a vehicle horn or other audible equipment to attract customers' attention.	D16	2
Failure to display one licensed drivers identity badge on his/her person as prescribed by the Licensing Authority when driving a licensed vehicle	D17	3
Failure to display one licensed drivers identity badge in the licensed vehicle in a position clearly viewable to passengers or otherwise as directed by the Licensing Authority.	D18	3
Refusing to take a fare without good reason.	D19	3
Charging or attempting to charge more than the agreed or legal fare.	D20	4
Failing to wait after a deposit to wait has been paid.	D21	5
Travelling less than the lawful distance for an agreed fare.	D22	3
Permitting a vehicle other than a Hackney Carriage to wait on a Hackney Carriage stand (contrary to Section 64 and 76 Local Government (Miscellaneous Provisions) Act 1976)	D23	2
When driving a Hackney Carriage charging or attempting to charge more than the metered fare (whether for private hire or not).	D24	2
When driving a Hackney Carriage charging more than the metered fare for a journey ending outside the district other than with the prior agreement of the hirer.	D25	2
Interfering with a Taximeter.	D26	3
Obstruction of, failing to comply with a requirement of, or offer reasonable assistance and information to, an authorised officer or constable.	D27	2
Failure to attend for hiring without good reason	D28	2
Failure to drive to rear of the last Hackney Carriage Vehicle on the stand	D29	2

Hackney Carriage Driver refusing to carry prescribed number of passengers. Section 52 Town Police Clause Act 1847	D30	2
Leaving a Hackney Carriage Vehicle unattended in public place. Section 62 Town and Police Clauses Act 1847	D31	2
Hackney Carriage Driver refusing to drive. Section 53 Town Police Clauses Act 1847	D32	2
Hackney Carriage Driver permitting persons to be carried without the consent of hirer. Section 88 Town and Police Clauses Act 1847	D33	2
Leaving Hackney Carriage Vehicle obstructing other drivers on the rank. Section 64 Town and Police Clauses Act 1847	D34	2
Failure to comply with any other licence condition imposed on the drivers licence.	D35	1

### **Offences where Penalty Points will be given to Proprietors of Vehicles**

Displaying signage or livery on a licensed vehicle not authorised by the Licensing Authority.	V1	2
Failure to keep a licensed vehicle reasonably clean and tidy inside and out.	V2	2
Failure to ensure a first aid box is carried in the licensed vehicle in a position or place which is easily accessible.	V3	2
Failure to ensure a fire extinguisher is carried in the licensed vehicle in a position or place which is easily accessible.	V4	2
Failure to notify the Licensing Authority in writing within 7 days of the transfer of ownership of a licensed vehicle.	V5	3
Failure to display the external licence plate in the manner prescribed and required by conditions of licence as approved by the Licensing Authority.	V6	2
Failure to display the internal licence plate in the manner prescribed and required by conditions of licence as approved by the Licensing Authority.	V7	2
Failure to report to the Licensing Authority any damage to a licensed vehicle caused by a road traffic accident or other means which affects the safety, performance or appearance of the vehicle within 72 hours of occurrence.	V8	2
Failure to ensure that a fare chart is displayed in Hackney Carriage.	V9	2

Failure to ensure that the fittings and equipment of a licensed vehicle which are reasonably noticeable to a prudent driver are kept in an efficient and safe condition at all times and ensuring compliance with all relevant statutory requirements.	V10	3
--	-----	---

### **Where Penalty Points will be given to an Operator**

Failure to keep records in the manner specified by Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 as shown as a condition on the Operator's Licence.	O1	8
Failure to supply the records required to be kept as conditions of the operator's licence to the Licensing Authority upon request.	O2	8
Operating a vehicle which does not hold a current valid vehicle licence with the Licensing Authority.	O3	8
Employing, or permitting, a person who is not licensed as a hackney carriage/private hire driver by Oadby and Wigston Borough Council to drive a licensed vehicle operated by the operator.	O4	8
Operating a vehicle that is not in suitable mechanical condition to be used as a Licensed vehicle, where evidenced by a mechanical check undertaken by the Licensing Authority.	O5	2
Obstruction of, failing to comply with a requirement of, or offer reasonable assistance and information to, an authorised officer or constable.	O6	5
Behaving in a rude, abusive, offensive or obstructive manner or other conduct failing to be civil and orderly, whether to customers, authorised officers, Council staff, or members of the public.	O7	5
Failure of an Operator, with a booking office to which members of the public have access, to have valid public liability insurance or to produce such insurance certificate upon request.	O8	5
Refusing, or otherwise failing without good reason, to provide a vehicle to carry passenger with a guide dog or assistance dog.	O9	5
Failure to notify the Licensing Authority in writing within 7 days of any caution or conviction or fixed penalty notice imposed, received or accepted by the operator or operators or if the operator is a company, by a director of the company.	O10	6
Failure to provide a register of all staff that will take bookings or dispatch vehicles and the Council not provided with the amended register within 7 days of any changes to the register	O11	6
Failure to notify the Council within 48 hours of any investigation, arrest charge or conviction for any offence.	O12	6