

OADBY & WIGSTON BOROUGH COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY



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Oadby & Wigston
BOROUGH COUNCIL

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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.

Oadby and Wigston Borough Council is committed to achieving the highest standards with regards to the vehicles it licenses as hackney carriages. The Borough's travelling public should be confident that licensed vehicles are safe and comfortable and will not breakdown. The Council expects licence holders to regularly check and maintain their vehicles to the highest standards. It should be presumed that all vehicles presented to the Council's depot for inspection will pass first time without the need for any retests. Any repeated failure by licence holders to maintain their vehicles to that required standard may result in a vehicle licence being revoked or not being renewed.

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 appendixes to this Policy. These are generally informative matters such as the offences that may be committed 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 appendixes 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.
- 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 two 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

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 Hackney Carriage Byelaws.

Copies of the Acts of Parliament are available from www.legislation.gov.uk.

A table of offences that may 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 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. 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 licence both Hackney Carriage and Private Hire vehicles depending upon the type an applicant chooses to operate.

Sections 47 LG(MP)A 1976 permit a District Council to attach conditions to licences for vehicles, which may specify type and standard 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)A1976 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.

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 driving licence for 12 months and have passed the Driver Standards Agency (DSA) 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 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 or revoke a licence.

12.0 Best Practice Awards

Oadby and Wigston Borough Council encourages good practice and high standards by its licensed operators and drivers. The Council therefore intends to formulate schemes and methods of rewarding operators and drivers who excel within the Borough.

13.0 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 has an Equality and Diversity Action Plan and Equality and Diversity Statement of Intent in place to ensure that customers of the council are not unfairly discriminated against.

This will include ensuring that applications for licences and information, including this policy, will be available upon request in different languages or formats. The Council's website is also capable of translating our web pages into different languages.

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.

14.0 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. 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 Corporate Resources will grant an exemption order only if satisfied that is appropriate to do so 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 if 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 Corporate Resources.

The failure of a driver to accept a guide dog or assistance dog is an offence that could result in a fine of up to £1000.

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” or 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 the Councils policy on roof signs.

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:

- (i) a minimum of 4 doors
- (ii) an engine capacity exceeding 1250cc or equivalent powered electric vehicle

With respect to seating, this should be padded. Slatted wooden seats are considered inadequate. Where seats are continuous, 1 foot 4 inches (approximately 41 centimetres) measured horizontally along the front of each seat, should be allowed for each passenger. Any vehicle which is constructed or adapted to seat more than 8 passengers cannot be licensed as a hackney carriage vehicle.

The vehicle must be right hand drive.

The vehicle must not be a convertible.

The vehicle must not be registered as an insurance category C, D, N or S

The vehicle must have EU Type Approval but if not then a Department for Transport Certificate of Single Vehicle Approval must be produced.

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 to be a Hackney Carriage. The Licensing Authority will give due to consideration to an application where the colour, when taken with the remainder of vehicles physical appearance is such to render a vehicle unsuitable.

5. VEHICLE AGE AND CONDITION

A policy relating to vehicle age was introduced with the aim of improving the condition of licensed vehicles. Since introducing the policy the percentage of vehicles passing an inspection at the first attempt has increased.

The age of the vehicle is to be taken from the vehicle registration document. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as 3 years old at the date of "Q" registration in line with the policy of the DVLA and taken from the registration document.

Definitions:

The vehicle must not be registered as an insurance category C, N, D or S

Vehicle inspection: An inspection of a vehicle carried out by OWBC appointed mechanics, relating to: (a) 12 monthly check; (b) 6 monthly check; (c) spot check at any point during the term of the licence

Visual inspection: A visual inspection of a vehicle carried out by OWBC appointed officers, relating to: (a) new applications; (b) renewal applications; (c) spot checks at any point during the term of the licence

Safety critical areas: All areas of a vehicle inspected during a vehicle inspection except the following items: bulbs, windscreen wipers, customer feedback notice, condition of luggage / load space, jack, fire extinguisher, first-aid kit, taxi-meter, roof sign

The following age limits will therefore apply:

- Vehicles to be licensed for the first time must be under 5 years of age.
- A Vehicle over the age of 10 years will not be licensed unless it meets the requirements of the exception to age limits.

The Following exceptions apply:

- (a) Vehicles which are in an exceptionally well maintained condition, (defined below)
- (b) Ultra low emission vehicles (emissions of less than 75 grams of CO2 per km)

Frequency of Vehicle Tests:

- New vehicles under the age of 1 year will require only 1 vehicle test per year.
- Vehicles between the ages of 1 and 10 years must be tested twice a year (every 6 months).

6. Vehicle Emissions

The policy below applies to new vehicle applications granted on and after the 1 January 2017. Any vehicle with a licence issued by OWBC before 1 January 2017 is exempt.

- From 1 January 2018 all hackney carriage and private hire vehicles must be fitted with at least a Euro 4 compliant engine (registered since January 2005) Euro 3 compliant engines or older will not be permitted.
- From 1 January 2022 all hackney carriage and private hire vehicles must be fitted with at least a Euro 5 compliant engine (registered since September 2009) Euro 4 compliant engines or older will not be permitted.
- From 1 January 2026 all hackney carriage and private hire vehicles must be fitted with at least a Euro 6 compliant engine (registered since September 2014) Euro 5 compliant engines or older will not be permitted.

Applicants will be required to prove that the engine is suitable. Any vehicles with an engine older than the required euro emissions standard will not be licensed at the time of renewal.

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.
- If it has previously been licensed by the Council and failed any vehicle examinations.
- If in the opinion of the Council approved testing station it is likely to remain in road worthy condition for the next 12 months.
- If the vehicle is wheelchair accessible and a demand exists for such a vehicle.
- If it would be unreasonable in all the circumstances to refuse to licence the vehicles.

Should a vehicle fail a visual inspection a second inspection will be permitted. Any vehicle failing a second visual inspection will be deemed not to be of exceptionally well maintained condition.

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.

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.

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 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 must be submitted to the Council within 7 days.

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. Presentation of Vehicle for inspection

The proprietor, on reasonable notice, must present the vehicle for inspection at any time and at any place required by the Council, provided that such requirements for inspection shall not exceed more than 3 occasions per year (Section 50 LGPA 1976) Failure to present a vehicle for inspection is an offence under the 1976 Act and will normally lead to the immediate suspension/revocation of a vehicle licence.

The requirement to present for inspection is in addition to the powers of an authorised Licensing officer or Police Constable to test and inspect a hackney carriage as to its fitness at any reasonable time (Section 68 LGMPA 1976)

12. 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.

13. Safety Equipment

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

- Fire Extinguisher
- First Aid Kit to BS8599
- 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.

14. 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 Licensing Authority must be satisfied that the vehicle will remain insured for the 12 month duration of its licence. To this end the following insurance requirements apply.

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

- Present an insurance certificate of at least six months or
- A temporary insurance cover note to be followed by an insurance certificate lasting 12 months prior to the cover notes expiry, Or;
- Where the proprietor has an ongoing annual insurance certificate; that certificate.

15. Roof Signs and Advertisements

No advertisements will be permitted anywhere on a licensed vehicle.

- Company Livery covering the whole of the vehicle will not be permitted i:e wrapped
- Removable magnetic door signs will be permitted

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.

16. 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 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.

17. Security and CCTV

Where CCTV is installed in a licenced vehicle, the following shall be followed

This policy has been written for the purpose of regulating the use of CCTV systems in both Private Hire

Vehicles and Hackney carriages in Oadby and Wigston Borough Council.

This code of practice sets out to ensure that in-car 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 and enhance the health and safety of drivers and reduce the fear of crime.

The purpose of in-car systems

The purpose of in-car 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

Installation and operation of in-car systems in licence vehicles.

The Installation and operation of CCTV must comply with the requirements of the http://ico.org.uk/media/for_organisations/documents/1542/cctv-code-of-practice.pdf

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use regulations.

All equipment must meet all requirements as regards to safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in event of a collision or danger from the electrical integrity being breached through vandalism, misuse or wear and tear.

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.

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

It is contrary to the Motor Vehicle (construction and use) regulations, 1986 for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, ie not mounted on or adjacent to air bags/air curtains within proximity of other supplementary safety systems, such as autonomous braking systems, which may cause degradation in performance or functionality of such safety systems. Viewing screens within the vehicle for the purposes of viewing captured images are not permitted.

Any proprietor-owner wishing to install additional cameras or make changes to the installation shall obtain consent from the Licensing Enforcement Officer at Oadby and Wigston Borough Council prior to doing so. The location of a camera must be specific for purpose i.e to provide a safer environment for the benefit of the driver and passengers.

Use of information recorded on in-car systems

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

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 the vehicle licence.

Data Protection Act (2018) and Codes of Practice

Activation of in-car camera systems in Private Hire and Hackney Carriage Vehicles. Continuous operation of CCTV is not permitted.

Activation of equipment (camera) maybe via a number and combination of options including:

Door switches

Time delay

Drivers' panic button

Or in the case of an incident/event recorder, predetermined G Force

Parameters set on one or more axis (i.e. braking , acceleration, lateral forces)

The CCTV system may be configured to record images for a short period of time before the trigger event, during the related incident and a short period following the related incident.

A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

Audio Recording

CCTV systems must not be used to record conversations between members of the public, as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be disabled.

There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, eg when a panic button is utilised in response to a threat of physical violence. Where this audio recording is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submissions for approval of the equipment.

In limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or maybe carried out.

The owner/proprietor shall ensure that the storage and use of images complies with the requirement of the Data

Protection legislation, General Data Protection Regulations and the Information Commissioners Codes of Practice at all times.

Image security.

Images captured must remain secure at all times

The system must be capable of storing images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.

The system must provide that images are only capable of being downloaded by a system administrator.

The captured images must be protected using approved encryption software that is designed to

guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. All SD cards must be encrypted to the camera device. All images may only be reviewed via a secure network, i.e Images should not be available to view via an MP3/MP4 player or equivalent.

The Information Commissioner's Office has published guidance on how to keep personal data secure (including personal data contained in CCTV images) on their website.

Retention of CCTV images

The CCTV equipment selected for installation must have the capability of retaining images either:

- Within its own secure, encrypted hard drive
- Using a fully secured and appropriately encrypted detachable mass storage device, for example a compact flash solid state card.
- Or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV Equipment selected for installation must include an automatic overwriting function so that images are only retained within the installed system storage device for a maximum period of 28 days from the date of capture. Where a service provider is used to store images on a secure server the specified retention period must also only be for a maximum of 28 days from the day of capture. Data may be retained for longer periods in exceptional circumstances. i.e insurance claims, criminal investigations etc. However, once a relevant case is concluded all data must be deleted.

Where applicable these provisions shall also apply to audio recordings.

Payment of the data protection fee to the Information Commissioner's Office - the Information Commissioner's Office (ICO) is the official regulatory body responsible for enforcing compliance with privacy and data protection legislation.

The law defines a "data controller" as the individual or organisation that has ultimate responsibility for how personal data is collected and processed. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the company, organisation or individual that has decided to have a CCTV system installed and operating with the vehicle. The data controller is ultimately responsible for how the images are stored and used and determines in what circumstances the images should be disclosed.

It is a legal requirement for organisations and businesses that process personal information to pay a data protection fee to the ICO every year and it is a criminal offence if you do not adhere to this. The ICO publishes an online register of the organisations and businesses that have paid the fee.

You can find out more about the process by reading the ICO guide to the data protection fee, the level of fee you have to pay varies according to the turnover of your business and the number of

employees you have.

Documentary evidence such as a certificate of registration with ICO that the data protection fee has been paid must be presented to the licensing team.

Using a third Party service provider (data processor)

Where a service provider is used for the remote storage and/or management of CCTV data any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions, is a data processor. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (Service provider) The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Documentary evidence of the contractual arrangements may be required to be presented to the Licensing Authority at any time during the term of the vehicle licence.

Using recorded CCTV Images.

The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation.

Any images and/or audio recordings should only be used for the purposes described earlier in these guidelines.

Requests to view captured images may be submitted to the data controller by the Police or other statutory law enforcement agencies. Oadby and Wigston Borough Council, insurance companies, brokers/loss adjusters: or exceptionally other appropriate bodies. The data controller is responsible for responding to these requests in accordance with the law. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively, a signed statement may be accepted.

All requests should only be accepted where they are in writing and specify the reasons why disclosure is required.

Under the data protection legislation, members of the public may also make a request for the disclosure of images, but only when they have been a subject of a recording. This is known as a "subject access request". Such requests must only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording) Data Controllers are no longer entitled to charge a fee for a subject access request and must process the request for free.

More guidance on handling Subject Access requests can be found in the ICO's code of practice <https://ico.org.uk/media/2259722/subject-access-code-of-practice.pdf> which is available on their

website.

Signage for external facing CCTV Systems.

Where a CCTV system is installed in order to record incidents outside the vehicle (e.g a dashcam or similar) you should also display a warning sign wherever practical. In addition, when CCTV is activated in response to an incident, the driver of the vehicle must inform the persons(s) recorded that their personal data was captured – as soon as practicable after the incident. They should also be informed of the purpose for which the device has been installed, for example to facilitate their insurance company's investigation and insurance claims

Any duly authorised Officer of Oadby and Wigston Borough Councils 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 law.

In the event of any potential breach being identified, the relevant authority will be informed.

Failure to comply with this code of practice may result in the suspension or revocation of a hackney carriage or private hire vehicle licence.

18. 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.

19. 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.

20. 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.

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21. 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).

22. 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 for what approximate timescale the driver will be using it. 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.

23. Demand for Hackney Carriage

The Council are able to consider restricting the number of Hackney Carriages it licences 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.

24. Renewal of Licenses

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.

25. 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.

26. Application Requirements

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

- a) Completed application form (available from the Licensing Section)
- b) Vehicle Inspection Report (VIR) (issued by the approved testing station)
- c) Vehicle Registration Document (V5c).
- d) Valid insurance document.
- e) Taxi metre calibration certificate (if a Hackney Carriage)

A 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.

An application for a licence (including renewals) must be submitted 5 working days before the licence is required. The Licensing Authority cannot guarantee that a licence and a plate will be issued in less time than this.

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.

The Council have adopted the Institute of Licensing's "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades" 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 applications (including renewals), must be made at least six weeks before the licence is required. It is the responsibility of the applicant or existing licence holder to ensure that applications are made within this time. The process required to be gone through may take longer than this but the Licensing Authority will endeavour to determine an application within this time period.

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

All new applicants will need to undertake the competency test before submitting a full application. This carries a fee of £43.00. By carrying out the test first, this will prevent an applicant from submitting documents or making additional payments that are not required if the competency test was to be failed.

A Competency test can be booked either by following https://www.oadby-wigston.gov.uk/pages/hackney_carriage_drivers_licence or by telephoning our Customer Service Centre on 0116 2888961

On successfully completing the Competency test, you will be eligible to attend our Customer Services Centre 40 Bell Street, Wigston, Leicester and complete a full application the documentation required for this process is listed below and are required to be present when making an application.

- Application fee
- DBS form (Criminal Record Check)
- DVLA mandate form

- Medical certificate signed by own GP
- Blue Lamp Trust Driving proficiency pass certificate
- Driving licence
- Child Sexual Exploitation training
- Proof of Identification – original documentation only – no photo copies or scanned images

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. Disclosure and Barring Service 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 **ORIGINAL** documents to be submitted. One of these documents must be an up to date and valid **driving licence** issued by the DVLA.

The Licensing Authority also requires the production of a number of other documents to verify the applicant’s identity. These requirements are set by the DBS and an updated copy will be available to applicants. 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.

7. Continuous Residency in the UK for 5 Years

An applicant must provide us 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 certificate of good conduct authenticated by the relevant embassy must be produced.

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. A form of authority will be required to be signed by the applicant.

9. Medical Certificate

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

First time applicants for Hackney Carriage/Private Hire Vehicle Drivers licence are required to take a competency test.

An applicant will be allowed 3 attempts to pass the competency test within 3 months of the application being made. The fee for the first competency test must be paid at the time of the initial application. If further tests are required a subsequent fee must be paid before each test.

The purpose of the competency test is to ensure that drivers of Hackney Carriages or Private Hire vehicles within the Borough can show us that they are able to transport passengers safely and without delay to their requested destinations and offer satisfactory level of customer service. A licensed driver is in a position of responsibility and must show us 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 all 3 occasions or fail to pass within 3 months the application for the licence will be refused.

An application will not normally then be entertained from a failed applicant for a period of 12 months from date of their third and final failed application. 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 3 months and 12 month limitation on applying following a refusal is to avoid wasting an applicant's time and money where it appears they are unable to satisfy us they are a fit and proper person.

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 them 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.

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.

The onus is on Oadby and Wigston Borough Council to decide upon the relevance of any convictions. Each case will be decided on its own merits and considered against the adopted 'Institute of Licensing's Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trade's' ("the Guidance"). The Council has a discretion, depending on the nature of the previous conviction(s), to depart from the Guidance where it considers it appropriate to do so.

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 Governance 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 and the Licensing Authority will revoke a licence where it is satisfied that a driver is not a "fit a proper person" to continue to be licensed by us.

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.

14. Investigating Convictions

We will carry out further investigation into 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 trial 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 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 and proportionate. 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 to 5 years should generally elapse before a further application is likely to be favourably considered.

Where refusal, suspension or revocation of an application or licence is considered, the applicant or licensed driver will be given an opportunity to state their case in relation to the issue(s) of concern. This may be either attending a meeting with a Licensing Officer to discuss the concerns or submit evidence in writing. The matter will be determined by the Head of Corporate Resources.

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 **will not** be renewed and a new application will need to be submitted. This may result in the Blue Lamp Trust advanced Taxi driving test being taken and the Council's competency test.

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 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.

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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 basic DBS check through the Council.

The onus is on Oadby and Wigston Borough Council to decide upon the relevance of any convictions. Each case will be decided on its own merits and considered against the adopted 'Institute of Licensing's Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trade's' ("the Guidance"). The Council has a discretion, depending on the nature of the previous conviction(s), to depart from the Guidance where it considers it appropriate to do so.

We will also 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 have will have 3 chances to pass this test within 3 months.

3. 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 an enhanced 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.

4. 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.

5. 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”.

6. 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.

7. Conditions

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

8. 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 **will not** be renewed 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.

9. 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.

10. 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.

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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)

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)

Transport Act 1980

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

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 first aid kit to British Standards 8599 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 5th 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:

1. DISTANCE	Maximum fare
Up to and including one mile (1.61 kilometres)	<u>£3.00</u>
For each additional one fifth of a mile (322 metres)	28p
2. WAITING TIME	
For each completed period of 1 minute	<u>30p</u>
3. EXTRA CHARGES	
(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 guide dogs which travel free).	<u>£1.00</u> per journey
(f) Soiling charge	<u>£50.00</u>
(g) Wheelchairs	Free of charge

NOTICE TO PASSENGERS: Travelling outside the Borough boundary:-

- Fares for these journeys are negotiable between the driver and the hirer before the journey commences.
- 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, 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:
 - a. The time and date of booking
 - b. The name, address and telephone number of the hirer
 - c. How the booking was made
 - d. Any price quoted
 - e. The time of pick up
 - f. Point of pick up
 - g. The destination
 - h. Time at which a driver was allocated the booking
 - i. The licence number of the driver allocated the booking
 - j. The licence number of the vehicle allocated the booking
 - k. Any remarks
9. 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.
10. 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

11. The records required to be maintained by the licence holder in satisfaction of condition 10 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.
12. 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.

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 license, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the license.

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.

In July 2018, the Council adopted the ‘Institute of Licensing’s Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trade’s’. A copy of the current Guidance can be found at:

[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

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.

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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 Council's 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

Drivers

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 drivers exemption certificate.	D11	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 driver.	D12	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.	D13	3
Failure of a licensed driver to produce valid vehicle insurance certificate within 7 days of request.	D14	3
The sounding of a vehicle horn or other audible equipment to attract customers' attention.	D15	2
Failure to display one licensed drivers identity badge on his/her person as prescribed by the Licensing Authority when driving a licensed vehicle	D16	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.	D17	3
Refusing to take a fare without good reason.	D18	3
Charging or attempting to charge more than the agreed or legal fare.	D19	4
Failing to wait after a deposit to wait has been paid.	D20	5
Travelling less than the lawful distance for an agreed fare.	D21	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)	D22	2
When driving a Hackney Carriage charging or attempting to charge more than the metered fare (whether for private hire or not).	D23	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.	D24	2
Interfering with a Taximeter.	D25	3
Obstruction of, failing to comply with a requirement of, or offer reasonable assistance and information to, an authorised officer or constable.	D26	2
Failure to attend for hiring without good reason	D27	2
Failure to drive to rear of the last Hackney Carriage Vehicle on the stand	D28	2

Hackney Carriage Driver refusing to carry prescribed number of passengers. Section 52 Town Police Clause Act 1847	D29	2
Leaving a Hackney Carriage Vehicle unattended in public place. Section 62 Town and Police Clauses Act 1847	D30	2
Hackney Carriage Driver refusing to drive. Section 53 Town Police Clauses Act 1847	D31	2
Hackney Carriage Driver permitting persons to be carried without the consent of hirer. Section 88 Town and Police Clauses Act 1847	D32	2
Leaving Hackney Carriage Vehicle obstructing other drivers on the rank. Section 64 Town and Police Clauses Act 1847	D33	2
Failure to comply with any other licence condition imposed on the drivers licence.	D34	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
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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