

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

## Licensing Sub-Committee

The meeting will be held at **7.00 pm** on **21 September 2016**

**Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL.**

### Membership:

Councillors Michael Stone (Chair), Chris Baker and Ben Maney

### Agenda

Open to Public and Press

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|--|---------------|
| <b>1. Apologies for Absence</b>  |               |
| <b>2. Items of Urgent Business</b>   |               |
| <p>To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.</p>   |               |
| <b>3. Declarations of Interests</b>  |               |
| <p style="text-align: center;">Exclusion of the Public and Press</p> <p>Members are asked to consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.</p> <p>In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.</p> |               |
| <b>4. Determination of a New Private Hire Vehicle Application</b>  | <b>5 - 46</b> |

**5. Review of a Private Hire Driver Licence**

**47 - 72**

**Queries regarding this Agenda or notification of apologies:**

Please contact Jessica Feeney, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **13 September 2016**

## **Information for members of the public and councillors**

### **Access to Information and Meetings**

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### **Recording of meetings**

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If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at [CommunicationsTeam@thurrock.gov.uk](mailto:CommunicationsTeam@thurrock.gov.uk) before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

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The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

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- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

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- Access the modern.gov app
- Enter your username and password

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

### Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature

You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

**Vision: Thurrock:** A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

**1. Create** a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

**2. Encourage** and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

**3. Build** pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

**4. Improve** health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

**5. Promote** and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

<b>21 September 2016</b>	<b>ITEM: 4</b>
<b>Licensing Sub-Committee</b>	
<b>DETERMINATION OF A NEW PRIVATE HIRE VEHICLE APPLICATION</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Non-key
<b>Report of:</b> Laura Manning – Licensing Officer	
<b>Accountable Head of Service:</b> Andrew Millard – Head of Planning and Growth	
<b>Accountable Director:</b> Steve Cox - Corporate Director of Environment and Place	
<b>This report is exempt:</b> It is not to be published by virtue of Part 1 of Schedule 12 Local Government Act 1972 because it contains information relating to an individual.	
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>	
<b>Date of notice given of exempt or confidential report:</b> Not applicable	

## Executive Summary

Mr John Richmond has submitted an application for a Private Hire vehicle licence. The proposed vehicle falls outside the pre-licensing standards contained within the Hackney Carriage and Private Hire Vehicle Specification and Licence Conditions.

### 1. RECOMMENDATIONS:

#### 1.1 The Sub-Committee agrees:

- (a) That there are exceptional circumstances to depart from its policies and approves the vehicle in respect of a Private Hire vehicle licence; or
- (b) To refuse to grant the vehicle application as it does not meet the pre licensing criteria; or
- (c) Any other decision deemed appropriate by the licensing sub-committee.

## **2. Introduction and Background:**

2.1 On 5<sup>th</sup> September 2016 John Richmond of 14 Hope Avenue, Stanford Le Hope, Essex, SS17 8DH submitted a new application for a Private Hire Vehicle licence. The application form, logbook and MOT are attached at **Appendix A**.

2.2 The vehicle is a Ford Mondeo, registration AV11 YYW. The vehicle was first registered on 31 July 2011; therefore it does not meet the Private Hire Vehicle Pre-Licensing Standards in relation to section 1.1, which states:

*1.1. When first submitted for licensing, must be less than 4 years of age.*

A copy of Thurrock Council's vehicle policy is attached at **Appendix B**.

2.3 The vehicle was previously licensed as a Private Hire Vehicle by Thurrock Council between 7 May 2015 and 3 March 2016. A renewal application for the vehicle licence was not submitted and therefore the licence expired.

2.4 On 1 March 2016, prior to the vehicle renewal, Mr Richmond contacted the Licensing Department to advise he was suffering from an illness and undergoing treatment which meant he was not driving. Mr Richmond was advised that if the licence expired he could attend a sub-committee hearing in order to request the vehicle to be re-licensed.

2.5 The vehicle completed a compliance check at Thurrock Council's Fleet Management garage on 13 September 2016. An update of the result of the check will be given at the hearing.

## **3. Issues, Options and Analysis of Options:**

3.1 John Richmond's vehicle is a non-wheelchair accessible Private Hire vehicle.

3.2 The Council's current Private Hire Vehicle policy does not prejudice the ability of the licensing authority to take into account all the appropriate circumstances of a particular application in reaching its decision. Where it finds in an individual case that there are exceptional circumstances the authority may grant a licence for a vehicle that falls outside its normal criteria.

## **4. Reasons for Recommendation:**

4.1 These are the options available to the Sub-Committee.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

5.1 No consultation is required or undertaken.

## **6. Impact on corporate policies, priorities, performance and community impact**



6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –

- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;
- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Thurrock Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Management Accounts**

There are no financial implications associated with the report

### **7.2 Legal**

Implications verified by: **Chris Pickering**  
**Principal Solicitor - Litigation & Employment**

As the Licensing Authority, Thurrock Council is empowered to determine applications of this nature. This is an application to consider a licence outside of the Council's policies, but the Council retains discretion to consider such applications and whether it should deviate from its published policies.

The Council is guided by the provisions contained in s.48 of the Local Government (Miscellaneous Provisions) Act 1976.

The applicant has the right under section 51 of the 1976 Act to appeal the decision of the Licensing Sub-Committee to the Magistrates Court.

### **7.3 Diversity and Equality**

Implications verified by: **Becky Price**  
**Community Development Officer**

The Council is under a statutory duty to ensure that all relevant legislation is considered. The Council must give due regard to the provisions of Section 48

of the Local Government (Miscellaneous Provisions) Act 1976, which sets out that the Council must be satisfied that the vehicle meets the relevant licensing criteria (suitable, safe and comfortable) before they grant a licence. However, consideration can be given to any exceptional circumstances. Therefore it would be entirely consistent with principles of equality for the authority to either grant or refuse to grant a licence in this case, based on a full consideration of the facts.

7.4 **Other implications** (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

The implications of Section 17 of the Crime and Disorder Act 1998 have been considered and can be found in 6.1 above.

8. **Background papers used in preparing the report:**

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Road Safety Act 2006 Section 52

9. **Appendices to the report:**

- Appendix A - Application form, logbook and MOT
- Appendix B – Hackney Carriage & Private Hire Vehicle Specification and Licence Conditions

**Report Author:**

Laura Manning  
Licensing Officer

£313.00 - Ref 933719



thurrock.gov.uk

Test Certificate

**NEW APPLICATION FOR PRIVATE HIRE & HACKNEY CARRIAGE  
VEHICLE LICENCE**

1. Surname	RICHMOND		
2. First Name(s)	JOHN		
3. Address	14 HOPE AVENUE		
	STANFORD - LE - HOPE		
	ESSEX	4. Post Code	SS178DH
5. Contact No.			
6. Address where vehicle will normally be kept (if different from above)			
	7. Post Code		

**VEHICLE DETAILS**

8. Vehicle Registration	AV11 YYW	9. Date FIRST Registered	31/07/11
10. Engine Capacity	1596	11. Seating Capacity (excluding driver)	4
12. Meter Make / Type		13. Colour	BROWN
14. Make and Model of Vehicle	FORD MONDEO TITANIUM TURBO		

Signature

Date

5-9-16

**How we will use your information**

The purpose for collecting your personal details on this form is to allow Thurrock Council to process your application for the licence you are applying for. This could include collection of irrelevant details of criminal records. Once the form has been completed the Licensing department will store the details securely and confidentially within the 'Uniform' database. Access to the information you provide will be on a strictly need to know basis and the information will be retained for the period that you are licensed by Thurrock Council and up to 7 years after that time, before being securely disposed of / deleted from our systems.

The information may be shared with other council departments or external partners/agencies when the law allows. The council will need to share information with the Audit Commission in order to protect public funds and prevent/detect fraud. All information sharing will be conducted securely in line with the council's policies.

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Registration number

AV11 YYW



V5C  
CC3881097  
6/14

**THIS DOCUMENT IS NOT PROOF OF OWNERSHIP.**  
It shows who is responsible for registering and taxing the vehicle.

Driver & Vehicle  
Licensing  
Agency

UNITED KINGDOM  
**UK** REGISTRATION  
CERTIFICATE

European Community

свидетелство за регистрация Permiso de circulación Osvedčeni o registraci Registreringsattest Zulassungsbescheinigung Registreerimistunnistus	Άδεια κυκλοφορίας / Πιστοποιητικό Εγγραφής Certificat d'immatriculation Teastas Cláraithe Carta di circolazione Reģistrācijas apliecība	Registrācijas liudijimas Forgalmi engedély Certifikat ta' Registrazzjoni Kentekenbewijs Dowód Rejestracyjny Certificado de matricula	Certificat de înmatriculare Osvedčenie o evidencii Prometno dovoljenje Rekisteröintilodistus Registreringsbeviset Prometna dozvola
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Registered keeper

1321892230\_003247\_36400

JOHN RICHMOND  
14 HOPE AVENUE  
STANFORD-LE-HOPE  
SS17 8DH

You **must** make sure that the name and address printed here is correct. If it is not, see section 12.

Document reference number  
5132 844 8721

**Thinking of buying this vehicle?**  
**Buyer beware...**

Do you know how to avoid being tricked into buying a stolen vehicle?

For tips and advice go to [www.gov.uk/checks-when-buying-a-used-car](http://www.gov.uk/checks-when-buying-a-used-car)

The previous registered keeper

[Z.1] LEONARD VINCENT HALLPIKE, 41 HARVEY, GRAYS, RM16 2TX.

[Z.2] ACQUIRED VEHICLE ON 31 07 2011

[Z] NO. OF FORMER KEEPERS 1

Special notes (these notes cannot be removed)

1. DECLARED NEW AT FIRST REGISTRATION.

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Vehicle details

Registration number **AV11 YYW** 2(A-1) Validation character **5** 3

Date of first registration **31 07 2011**

Date of first registration in the UK **31 07 2011**

Make **FORD**

Type **BA7**

Variant **JTBB1E**

Version **EURO55LGB NL**

Model **MONDEO TITANIUM TURBO**

Body type **5 DOOR HATCHBACK**

Taxation class **PETROL CAR**

Suspension Type

Revenue weight **2150 KG GROSS**

Cylinder capacity (cc) **1596 CC**

CO<sub>2</sub> (g/km) **149 G/KM**

Type of fuel **PETROL**

Number of seats, including driver **5**

Number of standing places (where appropriate)

Wheelplan **2-AXLE-RIGID BODY**

Vehicle category **M1**

Type approval number **e13\*2001/116\*0249\*13**

Max. net power (kW) **118**

VIN/Chassis/Frame No. **WF0EXXGBBEBD80711**

Engine number **BD80711**

Max. permissible mass (exc. m/c) **2150**

Mass in service **1565**

Power/Weight ratio (kW/kg) (only for motorcycles)

Colour **BROWN**

Technical permissible maximum towable mass of the trailer:

braked (kg) **1600**

unbraked (kg) **745**

Sound level:

stationary (dB(A)) **77**

engine speed (min-1) **3750**

drive-by (dB(A)) **69**

Exhaust Emissions:

CO (g/km or g/kWh) **0.403**

HC (g/km or g/kWh) **0.041**

NOx (g/km or g/kWh) **0.013**

HC+NOx (g/km)

particulates (g/km or g/kWh)

5. Registered keeper

C.4.c - This document is not proof of ownership.

c.1.2 **JOHN**

c.1.1 **RICHMOND**

c.1.3 **14 HOPE AVENUE.  
STANFORD-LE-HOPE  
SS17 8DH**

I ACQUIRED VEHICLE ON **05 05 2015**

Please write in black ink and CAPITAL LETTERS.

6. New keeper or new name/new address details

Please see section 12

Mr 1 Mrs 2 Miss 3 Please tick (X) the appropriate box **W** 4

Title (for example, Ms, Rev and so on) or business name:

First names: 5

Surname: 6

For company use only DVLA/DVA Fleet number 7

Date of birth (not required by law) Postcode: Please help us to help you by giving your postcode. 9

House No: 10

Address: 11

Post town:

New keeper? If so tick this box: **K** 12 Date of sale or transfer: 13

Driving licence number of the new keeper (not required by law)

Present mileage (not required by law) **15**

**R** 16 **S** 17

7. Changes to current vehicle

Only write corrected or altered details

Wheelplan / Body type 20

VIN / Chassis / Frame Number 21

New revenue weight Date of change Cylinder capacity (cc) 22 23 24

No. of seats inc. driver No. of standing places Type of fuel 25 26 27

Engine number 28

New colour Date of change CLR 29 30

Tax class\* **Y** 31 32

\*The tax class shown in section 4 can only be changed when taxing. Please apply at your nearest Post Office\*.

**Declaration - You MUST sign, date and return this page to DVLA, Swansea, SA99 1BA when you notify any changes.**

Registered keeper: I declare that the new details I have given are correct to the best of my knowledge.

New keeper: I declare that this vehicle was sold or transferred to me on the date shown in section 6 and my name and address are correctly shown.

Signature: Date:

Signature: Date:

**Important:** If the vehicle is sold or transferred, both the registered keeper and the new keeper must sign this Certificate.

Official use only - Please do not write below this line.

c. Ref. N° **5132 844 8721** **15 05 15**

s. Codes **1321892230 / 003247** **30**

**V5C-0614**

**AV11 YYW** **5**



ISC **34**

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## MOT Test Certificate

<b>MOT Test Number</b> 729225006973	<b>Vehicle Registration Mark</b> AV11YYW	<b>Vehicle Identification Number</b> WFOEXXGBBEBD80711
<b>Make</b> FORD	<b>Model</b> MONDEO	<b>Colour</b> Brown
<b>Issuer's Name</b> R. TAYLOR	<b>Test Class</b> 4	<b>Country of Registration</b> Great Britain
<b>Expiry Date</b> 31 August 2017 (SEVENTEEN)	<b>Issued</b> 1 Sep 2016	<b>Test Station</b> 16019

**Odometer Reading and History**

1 9 2016: 34116 mi
29 4 2015: 13885 mi
21 7 2014: 12020 mi

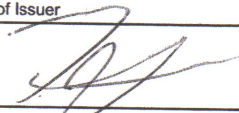
**Inspection Authority**

RED LION SERVICE STATION RED LION HILL STANFORD ROAD ORSETT RM16 3BX	01375672450
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**Additional Information**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 1 August 2017.

**Signature of Issuer**



**Advisory Information**

**About this document**

- 1 This document is a receipt style certificate telling you that an MOT Test pass result has been recorded in the Driver & Vehicle Standards Agency's (DVSA's) database of MOT Test results; this can be verified at [www.gov.uk/check-mot-status](http://www.gov.uk/check-mot-status).
  - 2 A test certificate relates only to the condition of the components examined at the time of test. It does not confirm the vehicle will remain roadworthy throughout the validity period of the certificate.
  - 3 Check carefully that the details are correct.
  - 4 Whilst advisory items listed above do not constitute MOT failure items, they are drawn to your attention for advice.
  - 5 For further information about this document, please visit [www.gov.uk/getting-an-mot](http://www.gov.uk/getting-an-mot) or contact DVSA on 0300 123 9000\*.
- \*Your call may be monitored or recorded for lawful purposes.

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# **Thurrock Council**

## **Hackney Carriage and Private Hire Vehicle Specification and Licence Conditions**

# Hackney carriage vehicle licence

## Pre-licensing standards

### 1. The vehicle must:

- 1.1. Be wheelchair accessible with 8 or less passenger seats. Those Hackney Carriage proprietors whose vehicles were a saloon, estate or multi-passenger vehicle on 1 February 2014 will be permitted to replace their vehicle with a vehicle that is not wheelchair accessible, if the licence is transferred to a new proprietor then any replacement vehicle thereafter must be a wheelchair accessible vehicle.
- 1.2. When first submitted for licensing, must be less than 4 years of age.
- 1.3. At the time of renewal of the licence be no more than 10 years of age, except for wheelchair accessible vehicles, which must be no more than 15 years of age.
- 1.4. Any vehicle accepted for licensing as a Hackney Carriage Vehicle, may only be replaced by a vehicle that is younger by reference to the dates of first registration.
- 1.5. Be right hand drive, in good mechanical order and body condition and in operational order in every respect.
- 1.6. Be suitable in size and design for use as a Hackney Carriage Vehicle and to the manufacturers specification have:
  - 1.6.1. Rear Seat (width): The width of the rear seats, measured in a straight line widthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of a minimum of 42cm (16½").
  - 1.6.2. Seats (length): The length of the seat from the back to the front edge must be a minimum of 43cm (17")
  - 1.6.3. Knee Space: The measurement between the rear of the front seats and the back of the backseat must be a minimum of 66cm (26") with the front seat at its centre point.
  - 1.6.4. An exemption may be granted to the minimum specifications above in special circumstances if agreed by the Licensing Department. (An example where this may be appropriate is where MPVs or Minibuses have M2 seats fitted.)
- 1.7. Have a minimum of 4 doors, each adjacent to and allowing direct access to and from the seats.
- 1.8. Have manufacturers recommended sized tyres (remould tyres are not acceptable).
- 1.9. Have rear seat accommodation for not less than three passengers, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s).
- 1.10. Have accommodation for not less than 4 passengers.

- 1.11. Have appropriate seatbelts to the front and rear seats of the vehicle. The number of seatbelts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.
- 1.12. Have, in addition to the driver, up to 2 passenger seats in the front of the vehicle, provided each seat has a separate lap/diagonal seat belt.
- 1.13. Have adequate luggage facilities, which must be separate from the passenger-carrying compartment. All vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.
  - 1.13.1. In London style vehicles, the area next to the driver shall be deemed to be the luggage space and no provision for seating shall be permitted there.
- 1.14. Have a parcel shelf or similar fitted, where the vehicle design allows for.

## **2. Wheelchair Accessible Vehicles**

- 2.1. Any proprietor who has a Hackney Carriage Vehicle licence for a wheelchair accessible vehicle, must in future, only replace the vehicle with a wheelchair accessible vehicle.
- 2.2. Permit loading of wheelchairs ONLY through the side door(s) of the vehicle. Vehicles that load wheelchairs through the tailgate will not be accepted for licensing. Those Hackney Carriage proprietors whose vehicles are rear loading on 1 February 2014 shall replace their vehicle with a vehicle that is side loading, if the vehicle is changed or when the licence is renewed after the vehicle reaches 10 years of age.
- 2.3. Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended).

## **3. Minibus and Multi Passenger Vehicles**

- 3.1. Any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle must be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating compartment.
- 3.2. No person entering or exiting the licensed vehicle should have to remove or dismantle any seat or other obstacle, climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

## **4. Tinted Windows**

- 4.1. Tinted windows, including factory fitted tinted windows, which have sufficient tint to obscure the inside of the vehicle from being viewed from the outside will not be permitted without the prior approval of the Licensing authority. Those Hackney Carriage proprietors, whose vehicles have such tinted windows on 1 February 2014, may remain licensed until the vehicle is replaced.

## **5. Taximeter**

- 5.1. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration

of journeys equivalent to the maximum fare tariff set by Thurrock Council. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

## **6. LPG Vehicles**

- 6.1. A hackney carriage proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following pre-licensing conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG:
  - 6.1.1. That a certificate of compliance is produced to state that the LPG installation was undertaken by a Petroleum Gas Association (LPGA) approved installer.
  - 6.1.2. That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.
  - 6.1.3. If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.
  - 6.1.4. The proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.
  - 6.1.5. The vehicle is serviced by a person competent in LPG powered vehicles.

## **7. Vehicle Inspections**

- 7.1. Thurrock Council reserves the right to examine any vehicle before the grant of a Hackney Carriage Vehicle licence in order to ascertain that the vehicle conforms to all current legislation, licensing criteria and licensing conditions. Such examination does not guarantee the grant of a licence.
- 7.2. The applicant shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
  - 7.2.1. Upon initial application (regardless of the age of the vehicle)
  - 7.2.2. Annually in respect of vehicles up to 5 years old.
  - 7.2.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.
  - 7.2.4. Four monthly in respect of vehicles over 8 years old

## **8. Production of Documentation**

- 8.1. All applicants for a Hackney Carriage Vehicle licence shall produce the following documents prior to the issue of a licence and at any time when requested to do so by the Council (documents must be current at the time the licence commences):
  - 8.1.1. A current MOT test certificate

- 8.1.2. A valid vehicle test sheet issued by Thurrock Council approved testing garage, or other such certificate as may be required from time to time by Thurrock Council.
- 8.1.3. An insurance certificate or cover note, which expressly indicates cover for public hire.
- 8.1.4. The vehicle registration document showing the applicants name and address.
- 8.1.5. New applications and transfer notifications must also include proof of ownership by means of bill of sale or hire purchase agreement.

# Hackney carriage vehicle licence

## Conditions of licence

### 1. Pre Licensing Standards

- 1.1. Satisfy the Hackney Carriage Vehicle Licence Pre Licensing Standards adopted by Thurrock Council at all times.

### 2. Safety Equipment

- 2.1. An efficient and serviceable fire extinguisher marked with the plate number of the vehicle shall be carried at all times. The extinguisher must be located in a secure and easily accessible position, in the boot or front cab of the vehicle. Wheelchair accessible vehicles must carry a fire extinguisher which is at least a 1 litre AFFF extinguisher with a minimum of an 8A to 21B rating. Where a minibus fitted with a passenger lift to meet the construction and use regulations, a second extinguisher must be fitted near the back doors of the same type.

NB: In the event of a vehicle fire, the priority is to GET THE PASSENGERS OUT.

- 2.2. Each vehicle shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.
- 2.3. The proprietor shall have available in the vehicle sufficient high visibility jackets for the seating capacity of the vehicle, and an emergency triangle to use in the event of a breakdown or accident.

### 3. Interior Markings

- 3.1. The proprietor shall ensure that the following are clearly displayed inside the vehicle:
  - 3.1.1. The vehicle window card licence.
  - 3.1.2. The tariff card supplied by the Council shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling inside the vehicle
  - 3.1.3. "No Smoking" signs shall be displayed on both rear passenger door windows.

### 4. Exterior Signs

- 4.1. The proprietor shall ensure that:
  - 4.1.1. The licence plate issued by Thurrock Council identifying the vehicle as a Hackney Carriage shall be displayed in a vertical position and firmly fixed to the outside of the vehicle at the rear using the fixing bracket supplied. Velcro, cable tie and magnetic fastenings are not permitted. In any case of doubt about a proper method of fixing the plate, the Licensing Department should be consulted.
  - 4.1.2. The Hackney Carriage plate shall not be concealed from public view or defaced in any way.



- 4.1.3. The licence plate shall remain the property of Thurrock Council at all times and must be returned immediately if the vehicle ceases to be a licensed Hackney Carriage vehicle, any detail of the vehicle is changed or if the vehicle licence is suspended or revoked by the Council.
- 4.1.4. Door stickers provided by Thurrock Council shall be permanently displayed on each rear door of the vehicle on the upper panel of the door. Magnetic door signs are not permitted. Any variance to the location of the stickers should be agreed with the Licensing Department.
- 4.1.5. The door stickers shall not be concealed from public view or defaced or altered in any way.
- 4.1.6. A roof sign capable of being illuminated and showing to the front and rear the word "TAXI" the light for which should automatically be extinguished when the taxi meter is engaged. London style and other taxis with signs forming an integral part of the roof are acceptable.

## **5. Trailers and Roof Boxes**

- 5.1. A proprietor of a licensed Hackney Carriage vehicle will be permitted to tow a trailer provided that:
  - 5.1.1. The trailer complies with all legal requirements (please see appendix for further guidance).
  - 5.1.2. The driver of the vehicle holds the appropriate category on his/her DVLA driving licence, which must be produced to the Council.
- 5.2. A proprietor of a licensed Hackney Carriage vehicle will not be permitted to carry any form of roof box or luggage on the roof of the vehicle.

## **6. CCTV**

- 6.1. A proprietor of a licensed Hackney Carriage vehicle will be permitted to install CCTV provided that:
  - 6.1.1. The CCTV complies with all legal requirements (please see appendix for further guidance).

## **7. Advertising**

- 7.1. A proprietor of a Hackney Carriage shall ensure that the display of advertising materials is restricted to the following:
  - 7.1.1. Advertising, including product advertising or the trade name, address and telephone number of the circuit may be displayed anywhere on the exterior of the vehicle apart from the rear doors, which show the Thurrock Council stickers and the windows / glazing of the vehicle.
  - 7.1.2. Product advertising is subject to the Council giving authority and retaining the right to request the removal of any particular advertisement that is felt to be unsuitable.

- 7.1.3. All product advertising must be professionally applied and no reflective materials may be used.
- 7.1.4. Wheelchair accessible vehicles may display the disability symbol of a maximum of 10" (245mm) square on the wheelchair access door(s) only.
- 7.1.5. Internal advertising is permitted subject to approval by the Council.
- 7.1.6. All advertising must be approved by the Council. The written approval of Thurrock Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

## **8. Vehicle Inspections**

- 8.1. The proprietor shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
  - 8.1.1. Upon initial application (regardless of the age of the vehicle)
  - 8.1.2. Annually in respect of vehicles up to 5 years old.
  - 8.1.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.
  - 8.1.4. Four monthly in respect of vehicles over 8 years old
- 8.2. Vehicles submitted for inspection shall be in such a condition as to be suitable for inspection: free from oil or any other matter and thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection and be suspended immediately until they pass a re-inspection.
- 8.3. The proprietor should submit the vehicle to the Council after any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or comfort or convenience of passengers.
- 8.4. Proprietors of vehicles which fail to attend any notified inspection, or whose vehicles are refused an inspection due to the condition of the vehicle shall be liable to pay a fee for a re-inspection.
- 8.5. Proprietors of vehicles, which fail to attend for an inspection, during the life of the vehicle licence, may be suspended immediately until such time as they attend and pass an inspection.

## **9. General Conditions**

- 9.1. Vehicles must be kept clean, tidy, free from damage, well maintained and in every way fit for public service both inside and out.
- 9.2. Vehicles without alloy wheels should be fitted with all 4 matching hubcaps.
- 9.3. During the period of the licence the proprietor shall be in direct control of the day-to-day running of the vehicle.

- 9.4. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence, irrespective of the age of the passenger.
- 9.5. Whilst a vehicle is licensed as a Hackney Carriage vehicle and at all times, whether plying for hire or not shall not be driven by any person other than a driver properly licensed by Thurrock Council.
- 9.6. If the proprietor permits or employs another person to drive the vehicle, that person must be licensed by Thurrock Council. The proprietor must have a copy of his/her Hackney Carriage driver's licence before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. The copy of the licence will be retained until such a time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.

## **10. Taximeter**

- 10.1. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by Thurrock Council. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.  
NB: Nothing in this condition prevents a driver from charging the customer less than the metered fare.
- 10.2. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger(s). There shall be recorded on the face of the taximeter in figures, clearly legible and free from ambiguity a fare not exceeding the scale of fares prescribed by the Council.
- 10.3. The taximeter and all the fittings shall be so affixed to the vehicle 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 seal or other appliance.
- 10.4. The operation of the taximeter shall accord with any byelaws made by the Council.
- 10.5. The taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required. Thurrock Council staff may seal meters after each inspection.

## **11. Animals and the Carriage of Assistance Dogs**

- 11.1. The proprietor shall not allow any driver to convey in a licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.
- 11.2. Any animal belonging to or in the custody of a passenger may be conveyed at the driver's discretion, however it shall only be conveyed in the rear of the vehicle.
- 11.3. The proprietor shall ensure the driver of the vehicle complies with the requirement to carry guide dogs, hearing dogs, other assistance dogs, dogs for the disabled, support dogs and canine partners for independence.

- 11.4. A driver of a licensed vehicle is required to carry the following assistant dogs free of charge, unless the driver has a proven medical condition that would preclude such actions:
- 11.4.1. Guide dogs for the blind
  - 11.4.2. Hearing dogs
  - 11.4.3. Dogs for the disabled
  - 11.4.4. Support dogs (e.g. epilepsy)
- 11.5. All assistant dogs can be identified usually by their harness or identification coat. The dog owner should carry an identification card, in the case of those registered as blind, this will include a passport sized photograph and in addition they may also hold an Institute of Environmental Health card confirming no hygiene risk to vehicles or premises.
- 11.6. All assistance dogs should travel at their owner's feet in the front of the vehicle where possible, unless the driver has a dog phobia or religious belief, then the dog may travel in the rear of the vehicle with the passenger, but only with consent of the passenger.

## **12. Documentation**

- 12.1. A proprietor shall at all times hold a current certificate or cover note of motor insurance and vehicle MOT certificate and ensure copies of the original documents are supplied to the Licensing Department upon first licence and at the time of renewal of the licence and at any other time as may be required. Certificates must run concurrent, without any breaks in date or time and new or replacement copy documentation must be submitted to the Council within 7 days of the expiry of the preceding certificate / cover note.
- 12.1.1. Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of 24 hours or until the production of the required documents is made in person to a Licensing Officer, at which time the suspension will be immediately lifted.
- 12.2. A proprietor shall produce vehicle registration documents and any other evidence of proprietorship of the vehicle to the Council at the request of the Licensing Department, within a reasonable period of time or a maximum of 7 days from such a request.
- 12.3. The Council must be notified in writing or by electronic means within 7 days of any change of address. Official documents such as vehicle registration document, insurance certificate and driving licence must be presented to the Licensing Department as soon as reasonably practicable, showing proof of change of address.

## **13. Accidents / Vehicle Damage / Theft**

- 13.1. The proprietor of any Hackney Carriage vehicle shall report to the Licensing Department as soon as reasonably practicable and in any case, within one working day of the occurrence, thereof any accident causing damage to the said vehicle.
- 13.2. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any vehicle body damage i.e. vandalism. Notification must be reported within 72 hours of such damage.

- 13.3. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any theft of vehicle or licence plate. Notification must be reported as soon as practicable and within 72 hours of such theft.

#### **14. Byelaws and Regulations**

- 14.1. The proprietor shall ensure that any driver complies with the Council's Bylaws and Conditions.
- 14.2. The proprietor should make themselves familiar with statutory requirements in relation to Hackney Carriage Licensing in the Town Police Clauses Act 1847 (as amended), Public Health Acts 1875 and 1936 and the Local Government (Miscellaneous Provisions) Act 1976. These are available at a public library or via the internet.

#### **15. Surrender of Licence**

- 15.1. If the proprietor ceases to use the vehicle for the purpose for which it is licensed they shall surrender the licence and return the licence plate, which remains the property of Thurrock Council.
- 15.2. Thurrock Council may, at any time during the period of the licence, revoke the licence should a breach be detected of any terms and conditions of the licence.

#### **16. Appeals**

- 16.1. Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Hackney Carriage licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976:
- 16.1.1. Appeal against conditions imposed on a Hackney Carriage Proprietor's licence (to the Magistrates Court); and
  - 16.1.2. Appeal against refusal to grant a Hackney Carriage Proprietor's licence (to the Crown Court)

# Private hire vehicle licence

## Pre-licensing standards

### 1. The vehicle must:

- 1.1. When first submitted for licensing, must be less than 4 years of age.
- 1.2. At the time of renewal of the licence be no more than 10 years of age, except for wheelchair accessible vehicles, which must be no more than 15 years of age.
- 1.3. Speciality vehicles, classic vehicles and limousines can be more than 4 years of age at first point of licensing and will have no upper age limit, but must be subject to testing at a frequency according to age. These vehicles will also be exempt from other further requirements which may not be applicable to the vehicle type, at the discretion of the Licensing Department.
- 1.4. Any vehicle accepted for licensing as a Private Hire Vehicle after, may only be replaced by a vehicle that is younger by reference to the dates of first registration.
- 1.5. Be right hand drive, in good mechanical order and body condition and in operational order in every respect.
- 1.6. Be suitable in size and design for use as a Private Hire Vehicle and to the manufacturers specification have:
  - 1.6.1. Rear Seat (width): The width of the rear seats, measured in a straight line widthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of a minimum of 42cm (16 ½ ").
  - 1.6.2. Seats (length): The length of the seat from the squab to the front edge must be a minimum of 43cm (17")
  - 1.6.3. Knee Space: The measurement between the rear of the front seats and the squab of the backseat must be a minimum of 66cm (26") with the front seat at its centre point.
  - 1.6.4. An exemption may be granted to the minimum specifications above in special circumstances if agreed by the Licensing Department. (An example where this may be appropriate is where MPVs or Minibuses have M2 seats fitted or on speciality vehicles.)
- 1.7. Have a minimum of 4 doors, each adjacent to and allowing direct access to and from the seats.
- 1.8. Have manufacturers recommended sized tyres (remould tyres are not acceptable).
- 1.9. Have rear seat accommodation for not less than three passengers, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s).
- 1.10. Have accommodation for not less than 4 passengers.

- 1.11. Have appropriate seatbelts to the front and rear seats of the vehicle. The number of seatbelts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.
- 1.12. Have, in addition to the driver, up to 2 passenger seats in the front of the vehicle, provided each seat has a separate lap/diagonal seat belt.
- 1.13. Have adequate luggage facilities, which must be provided separate from the passenger-carrying compartment. All vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.
- 1.14. Have a parcel shelf or similar fitted, where the vehicle design allows for.

## **2. Wheelchair Accessible Vehicles**

- 2.1. Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended).

## **3. Minibus and Multi Passenger Vehicles**

- 3.1. Any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle must be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating compartment.
- 3.2. No person entering or exiting the licensed vehicle should have to remove or dismantle any seat or other obstacle, climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

## **4. Tinted Windows**

- 4.1. Tinted windows, including factory fitted tinted windows, which have sufficient tint to obscure the inside of the vehicle from being viewed from the outside will not be permitted without the prior approval of the Licensing authority. Those Hackney Carriage proprietors, whose vehicles have such tinted windows on 1 February 2014, may remain licensed until the vehicle is replaced. The only exceptions to that are likely to be considered are for vehicles with a plate exemption or limousines.

## **5. Taximeter**

- 5.1. If a taximeter is fitted it:
  - 5.1.1. Shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Taxi Operator. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

## **6. Vehicle Inspections**

- 6.1. Thurrock Council reserves the right to examine any vehicle before the grant of a Private Hire Vehicle licence in order to ascertain that the vehicle conforms to all current

legislation, licensing criteria and licensing conditions. Such examination does not guarantee the grant of a licence.

6.2. The applicant shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:

6.2.1. Upon initial application (regardless of the age of the vehicle)

6.2.2. Annually in respect of vehicles up to 5 years old.

6.2.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.

6.2.4. Four monthly in respect of vehicles over 8 years old

## **7. Production of Documentation**

7.1. All applicants for a Private Hire Vehicle licence shall produce the following documents prior to the issue of a licence and at any time when requested to do so by the Council (documents must be current at the time the licence commences):

7.1.1. A current MOT test certificate

7.1.2. A valid vehicle test sheet issued by Thurrock Council approved testing garage, or other such certificate as may be required from time to time by Thurrock Council.

7.1.3. An insurance certificate or cover note, which expressly indicates cover for private hire and reward.

7.1.4. The vehicle registration document showing the applicants name and address.

7.1.5. New applications and transfer notifications must also include proof of ownership by means of bill of sale or hire purchase agreement.

## **8. LPG Vehicles**

8.1. A Private Hire proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following pre-licensing conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG:

8.1.1. That a certificate of compliance is produced to state that the LPG installation was undertaken by a Petroleum Gas Association (LPGA) approved installer.

8.1.2. That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.

8.1.3. If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.

8.1.4. The proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.



8.1.5. The vehicle is serviced by a person competent in LPG powered vehicles.

# Private hire vehicle licence

## Conditions of licence

### 1. Pre Licensing Standards

- 1.1. Satisfy the Private Hire Vehicle Licence Pre Licensing Standards adopted by Thurrock Council at all times.

### 2. Safety Equipment

- 2.1. An efficient and serviceable fire extinguisher marked with the plate number of the vehicle shall be carried at all times. Wheelchair accessible vehicles must carry a fire extinguisher which is at least a 1 litre AFFF extinguisher with a minimum of an 8A to 21B rating. Where a minibus fitted with a passenger lift to meet the construction and use regulations, a second extinguisher must be fitted near the back doors of the same type. NB: In the event of a vehicle fire, the priority is to GET THE PASSENGERS OUT.
- 2.2. Each vehicle shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.
- 2.3. The proprietor shall have available in the vehicle sufficient high visibility jackets for the seating capacity of the vehicle, and an emergency triangle to use in the event of a breakdown or accident.

### 3. Interior Markings

- 3.1. The proprietor shall ensure that the following are clearly displayed inside the vehicle:
  - 3.1.1. The vehicle window card licence.
  - 3.1.2. "No Smoking" signs shall be displayed on both rear passenger door windows.

### 4. Exterior Signs

- 4.1. The proprietor shall ensure that:
  - 4.1.1. The licence plate issued by Thurrock Council identifying the vehicle as a Private Hire Vehicle shall be displayed in a vertical position and firmly fixed to the outside of the vehicle at the rear using the fixing bracket supplied. Velcro, cable tie and magnetic fastenings are not permitted. In any case of doubt about a proper method of fixing the plate, the Licensing Department should be consulted.
  - 4.1.2. The Private Hire plate shall not be concealed from public view or defaced in any way.
  - 4.1.3. The licence plate shall remain the property of Thurrock Council at all times and must be returned immediately if the vehicle ceases to be a licensed Private Hire vehicle, any detail of the vehicle is changed or if the vehicle licence is suspended or revoked by the Council.

- 4.1.4. Door stickers provided by Thurrock Council shall be permanently displayed on each rear door of the vehicle on the upper panel of the door. Magnetic door signs are not permitted. Any variance to the location of the stickers should be agreed with the Licensing Department.
- 4.1.5. The door stickers shall not be concealed from public view or defaced or altered in any way.

## **5. Trailers and Roof Boxes**

- 5.1. A proprietor of a licensed Private Hire vehicle will be permitted to tow a trailer provided that:
  - 5.1.1. The trailer complies with all legal requirements (please see appendix for further guidance).
  - 5.1.2. The driver of the vehicle holds the appropriate category on his/her DVLA driving licence, which must be produced to the Council.
- 5.2. A proprietor of a licensed Private Hire vehicle will not be permitted to carry any form of roof box or luggage on the roof of the vehicle.

## **6. CCTV**

- 6.1. A proprietor of a licensed Private Hire vehicle will be permitted to install CCTV provided that:
  - 6.1.1. The CCTV complies with all legal requirements (please see appendix for further guidance).

## **7. Advertising**

- 7.1. A proprietor of a Private Hire vehicle shall ensure that the display of advertising materials is restricted to the following:
  - 7.1.1. Advertising, including product advertising or the trade name, address and telephone number of the circuit may be displayed anywhere on the exterior of the vehicle apart from the rear doors, which show the Thurrock Council stickers and the windows / glazing of the vehicle.
  - 7.1.2. Product advertising is subject to the Council giving authority and retaining the right to request the removal of any particular advertisement that is felt to be unsuitable.
  - 7.1.3. All product advertising must be professionally applied and no reflective materials may be used.
  - 7.1.4. Wheelchair accessible vehicles may display the disability symbol of a maximum of 10" (245mm) square on the wheelchair access door(s) only.
  - 7.1.5. Internal advertising is permitted subject to approval by the Council.

- 7.1.6. All advertising must be approved by the Council. The written approval of Thurrock Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

## **8. Vehicle Inspections**

- 8.1. The proprietor shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
  - 8.1.1. Upon initial application (regardless of the age of the vehicle)
  - 8.1.2. Annually in respect of vehicles up to 5 years old.
  - 8.1.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.
  - 8.1.4. Four monthly in respect of vehicles over 8 years old
- 8.2. Vehicles submitted for inspection shall be in such a condition as to be suitable for inspection: free from oil or any other matter and thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection and be suspended immediately until they pass a re-inspection.
- 8.3. The proprietor should submit the vehicle to the Council after any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or comfort or convenience of passengers.
- 8.4. Proprietors of vehicles which fail to attend any notified inspection, or whose vehicles are refused an inspection due to the condition of the vehicle shall be liable to pay a fee for a re-inspection.
- 8.5. Proprietors of vehicles, which fail to attend for an inspection, during the life of the vehicle licence, may be suspended immediately until such time as they attend and pass an inspection.

## **9. General Conditions**

- 9.1. Vehicles must be kept clean, tidy, free from damage, well maintained and in every way fit for public service both inside and out.
- 9.2. Vehicles without alloy wheels should be fitted with all 4 matching hubcaps.
- 9.3. During the period of the licence the proprietor shall be in direct control of the day-to-day running of the vehicle.
- 9.4. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence, irrespective of the age of the passenger.
- 9.5. No passenger under the age of 16 shall be permitted to use any side facing seat at any time.

- 9.6. On vehicles with side facing seats, notices must be displayed inside the vehicle in a prominent position advising that persons under the age of 16 must not be seated in a side facing seat.
- 9.7. Whilst a vehicle is licensed as a Private Hire vehicle and at all times, shall not be driven by any person other than a driver properly licensed by Thurrock Council.
- 9.8. If the proprietor permits or employs another person to drive the vehicle, that person must be licensed by Thurrock Council. The proprietor must have a copy of his/her Hackney Carriage / Private Hire driver's licence before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. The copy of the licence will be retained until such a time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.
- 9.9. A Private Hire proprietor who makes provisions for the acceptance of bookings for a Private Hire vehicle, by advertising a private telephone number and/or mobile number and accepts pre-booked fares, whether or not on a Private Hire circuit, requires a Private Hire Operators Licence. This does not preclude a proprietor carrying the business cards of a properly licensed operator for whom he/she is working.

## **10. Taximeter**

- 10.1. Where a Private Hire vehicle is fitted with a taximeter:
  - 10.1.1. The operation of the taximeter shall accord with any Pre Licensing Standards and Conditions made by the Council.
  - 10.1.2. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Private Hire Operator. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.  
NB: Nothing in this condition prevents a driver from charging the customer less than the metered fare.
  - 10.1.3. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger(s). There shall be recorded on the face of the taximeter in figures, clearly legible and free from ambiguity a fare not exceeding the scale of fares prescribed by the Private Hire Operator.
  - 10.1.4. The taximeter and all the fittings shall be so affixed to the vehicle 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 seal or other appliance.

## **11. Animals and the Carriage of Assistance Dogs**

- 11.1. The proprietor shall not allow any driver to convey in a licensed vehicle any animal belonging to or in the custody of himself of the proprietor or operator of the vehicle.
- 11.2. Any animal belonging or in the custody of a passenger may be conveyed at the driver's discretion, however it shall only be conveyed in the rear of the vehicle.

- 11.3. The proprietor shall ensure the driver of the vehicle complies with the requirement to carry guide dogs, Hearing dogs, other assistant dogs, dogs for the disabled, support dogs and canine partners for independence.
- 11.4. A driver of a licensed vehicle is required to carry the following assistant dogs free of charge, unless the driver has a proven medical condition that would preclude such actions:
  - 11.4.1. Guide dogs for the blind
  - 11.4.2. Hearing dogs
  - 11.4.3. Dogs for the disabled
  - 11.4.4. Support dogs (e.g. epilepsy)
- 11.5. All assistant dogs can be identified usually by their harness or identification coat. The dog owner should carry an identification card, in the case of those registered as blind, this will include a passport sized photograph and in addition they may also hold an Institute of Environmental Health card confirming no hygiene risk to vehicles or premises.
- 11.6. All assistance dogs should travel at their owner's feet in the front of the vehicle where possible, unless the driver has a dog phobia or religious belief, then the dog may travel in the rear of the vehicle with the passenger, but only with consent of the passenger.

## **12. Documentation**

- 12.1. A proprietor shall at all times hold a current certificate or cover note of motor insurance and vehicle MOT certificate and ensure copies of the original documents are supplied to the Licensing Department upon first licence and at the time of renewal of the licence and at any other time as may be required. Certificates must run concurrent, without any breaks in date or time and new or replacement copy documentation must be submitted to the Council within 7 days of the expiry of the preceding certificate / cover note.
  - 12.1.1. Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of 24 hours or until the production of the required documents is made in person to a Licensing Officer, at which time the suspension will be immediately lifted.
- 12.2. A proprietor shall produce vehicle registration documents and any other evidence of proprietorship of the vehicle to the Council at the request of the Licensing Department, within a reasonable period of time or a maximum of 7 days from such a request.
- 12.3. The Council must be notified in writing or by electronic means within 7 days of any change of address. Official documents such as vehicle registration document, insurance certificate and driving licence must be presented to the Licensing Department as soon as reasonably practicable, showing proof of change of address.

## **13. Accidents / Vehicle Damage / Theft**

- 13.1. The proprietor of any Private Hire vehicle shall report to the Licensing Department as soon as reasonably practicable and in any case, within one working day of the occurrence, thereof any accident causing damage to the said vehicle.

- 13.2. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any vehicle body damage i.e. vandalism. Notification must be reported within 72 hours of such damage.
- 13.3. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any theft of vehicle or licence plate. Notification must be reported as soon as practicable and within 72 hours of such theft.

#### **14. Regulations**

- 14.1. The proprietor shall ensure that any driver complies with the Council's Pre Licensing Standards and Conditions of Licence.
- 14.2. The proprietor should make themselves familiar with statutory requirements in relation to Private Hire Vehicle Licensing. These are available at a public library or via the internet.

#### **15. Surrender of Licence**

- 15.1. If the proprietor ceases to use the vehicle for the purpose for which it is licensed they shall surrender the licence and return the licence plate, which remains the property of Thurrock Council.
- 15.2. Thurrock Council may, at any time during the period of the licence, revoke the licence should a breach be detected of any terms and conditions of the licence.

#### **16. Appeals**

- 16.1. Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Private Hire vehicle licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976:
  - 16.1.1. Appeal against conditions imposed on a Private Hire Proprietor's licence (to the Magistrates Court); and
  - 16.1.2. Appeal against refusal to grant a Private Hire Proprietor's licence (to the Crown Court)

# Appendix A

## CCTV Installation in Private Hire and Hackney Carriage Vehicles

### Introduction

These guidelines set out to ensure that CCTV systems in Thurrock Council licensed Hackney Carriages and Private Hire Vehicles (both referred to in this document as Taxis) are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of Taxi drivers and passengers.

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside or outside of the vehicle having the technical capability of capturing and retaining either or both visual images or audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

### The purpose of CCTV

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the Taxi driver and passengers by:

1. Deterring and preventing the occurrence of crime;
2. Reducing the fear of crime;
3. Assisting the Police in investigating incidents of crime.
4. Assisting insurance companies in investigating motor vehicle accidents

### General Requirements

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements can be installed into licensed Taxis.

CCTV systems installed in Taxis will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

The installation and operation of CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available via:

[http://www.ico.gov.uk/upload/documents/library/data\\_protection/detailed\\_specialist\\_guides/ico\\_cctvfinal\\_2301.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.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 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 the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

## **Automotive Electromagnetic Compatibility Requirements (EMC)**

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.

CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

## **Camera Design Requirements**

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

## **Installation**

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the 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, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety 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 will not be permitted.

All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.

If more than one camera is being installed their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the Taxi or PHV driver and passengers.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

## **Camera Activation Methods**

Activation of the equipment may be via a number and combination of options, such as - door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event 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 is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:-

- Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility 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 submission for approval of the equipment.

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

## **Image Security**

Images captured must remain secure at all times.

The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

## **Retention of CCTV images**

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

- within its own 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 31 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 period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

## **Notification to the Information Commissioner's Office**

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, **the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed.** The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a licensed taxi must register with the ICO (Notification) and obtain documented evidence of that registration.

This documentary evidence will be required to be presented to a Licensing Officer at any time during the term of the vehicle licence.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

## **Using a third party service provider (data processor)**

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'.

A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. 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 a Licensing Officer at any time during the term of the vehicle licence.

## **Use of information recorded using CCTV**

The data controller is responsible for complying with all relevant data protection legislation.

The data controller is legally responsible for the use of all images including breaches of legislation.

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

Requests may be made by the Police, Thurrock Council's Licensing Department or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or appropriate bodies, to the "data controller" to view captured images. The data controller is responsible for responding to these requests.

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

Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the 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 proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

## **Signage**

All Taxis with CCTV must display appropriate signage. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle

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

## **Contact Details**

The name and the contact telephone number of the Data Controller must be included on the sign.

## **Signage for external facing CCTV systems**

Where a CCTV system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the

device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

## **Note**

Reference to 'Data Controller', 'Data Processor', 'Sound Recording' and 'Encryption Software' information made in this guideline complies with the current Information Commissioner's Office (ICO) CCTV Code of Practice 2008.

# Appendix B

## Trailers used with Private Hire vehicles or Hackney Carriage Vehicles

Private Hire vehicles or Hackney Carriage vehicles licensed by the Thurrock Council are permitted to tow trailers providing the following conditions are complied with at all times:-

1. The licensed towing vehicle's insurance must cover the towing of a trailer.
2. Trailers must not be left unattended anywhere on the highway.
3. The speed restrictions applicable to trailers must be observed at all times.
4. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
5. The tow bar must meet with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
6. The towing of a trailer by a licensed vehicle shall only permit conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
7. Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer.
8. Only those trailers that comply with the following conditions will be permitted to be towed by a licensed vehicle.
  - a. Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
  - b. A licensed vehicle trailer application form must have been completed and the trailer must receive initial approval by a Licensing Officer.
  - c. When initial approval is granted (unless brand new), and then annually when the towing vehicle undergoes its council test, an authorised Department of Transport Tester/Inspector must inspect the trailer at any of Thurrock Council Approved Garages.

The tester/inspector must certify that the trailer meets the equivalent standards that would normally be required to pass a Ministry of Transport (MOT) test.
  - d. A trailer may be used by more than one licensed towing vehicle but each licensed vehicle used to tow the trailer must be separately approved.
  - e. An additional licence plate will be issued for each licensed private hire vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the number plate whenever an approved trailer is towed by the licensed vehicle.
  - f. Un-braked trailers shall be less than 750 kilograms gross weight.

- g. Trailers over 750 kilograms gross weight shall be braked acting on at least two road wheels.
- h. The towing vehicle must have a sufficient maximum train weight, this is shown on the VIN plate – any vehicle that does not display a train weight on the VIN should not be used for towing.
- i. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight, this should be made available when the vehicle is inspected at an Authorised Garage.
- j. The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- k. The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.55 metres.
- l. The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- m. The trailer's body must be constructed of either glass-reinforced plywood/fibreglass or fully galvanised steel.
- n. The trailer's full frame must be made of galvanised steel with a straight drawbar.
- o. The trailer shall not display any form of sign or advertisement not required or approved by the Licensing Department and Road Traffic legislation.

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<b>21 September 2016</b>	<b>ITEM: 5</b>
<b>Licensing Sub-Committee</b>	
<b>REVIEW OF A PRIVATE HIRE DRIVER LICENCE</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Non-key
<b>Report of:</b> Laura Manning – Licensing Officer	
<b>Accountable Head of Service:</b> Andrew Millard – Head of Planning and Growth	
<b>Accountable Director:</b> Steve Cox - Corporate Director of Environment and Place	
<b>This report is exempt:</b> It is not to be published by virtue of Part 1 of Schedule 12 Local Government Act 1972 because it contains information relating to an individual.	
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>	
<b>Date of notice given of exempt or confidential report:</b> Not applicable	

## Executive Summary

Mr John Venus (DOB: 18/09/1972) is a licensed Private Hire Driver. Mr Venus has received a motoring conviction for failure to give information to identify driver etc, detailed at 2.2.1, which puts him outside the Council’s Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaint and / or other matters.

### 1. RECOMMENDATIONS:

#### 1.1 The Sub-Committee agrees:

- (a) To take no further action; or
- (b) To suspend the Private Hire Driver’s licence;
- (c) To revoke the Private Hire Driver’s licence; or
- (d) Any other decision the Sub-Committee deems reasonable

## 2. Introduction and Background:

2.1 Mr John Venus (DOB: 18/09/1972) of 7 The Circle, Tilbury, Essex, RM18 7RS, has been a licensed Private Hire Driver at Thurrock Council since 22<sup>nd</sup> April 2015.

2.2 On 9<sup>th</sup> August 2016 Mr Venus contacted the Licensing Department by phone to advise he had received a motoring conviction. A further online check was completed. A copy of the check is attached at **Appendix A** and confirmed the conviction detailed below:

### 2.2.1

Court	Conviction Date	Offence Date	Offence	Disposal
Unknown	14/07/2016	04/12/2015	MS90 Failure to give information as to identify driver etc	6 Penalty Points
Intermediate Motoring Offence (3+ points) - Major Motoring Offence				

2.2.2 The other conviction on Mr Venus' DVLA licence has previously been declared to the Licensing Department by Mr Venus; no further action was taken. The conviction is detailed below:

Court	Conviction Date	Offence Date	Offence	Disposal
Unknown	23/07/2015	31/01/2015	SP30 Exceeding the statutory speed limit on a public road	3 Penalty Points
Intermediate Motoring Offence				

## 3. Issues, Options and Analysis of Options:

3.1 Mr Venus does not meet the Licensing criteria under Thurrock Council's statement of policy and guidelines relating to the relevance of convictions, formal / simple cautions, complaints and/or other matters (Motoring Offences – Major Traffic Offences). A copy of the policy is attached at **Appendix B**.

3.2 The Sub-Committee must therefore decide whether Mr Venus is a fit and proper person to hold a Private Hire driver's licence.

## 4. Reasons for Recommendation:

4.1 These are the options available to the Sub-Committee.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

5.1 No consultation is required or undertaken.

## **6. Impact on corporate policies, priorities, performance and community impact**

6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –

(a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;

(b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Thurrock Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Management Accounts**

There are no financial implications associated with the report

### **7.2 Legal**

Implications verified by: **Chris Pickering**  
**Principal Solicitor - Litigation & Employment**

1. Thurrock Council, as Licensing Authority for Hackney Carriage and Private Hire drivers in the district, has the power to determine matters of this nature.

2. Section 61(1) (a) of the Local Government (Miscellaneous Provisions) Act 1976 states that a Council may suspend or revoke or refuse to renew the license on the grounds that since the grant of the licence— (i) the driver has been convicted of an offence involving dishonesty, indecency or violence; or (ii) the driver has been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act

3. Section 61(1) (b) of the 1976 Act States that, a council may suspend or revoke or refuse to renew the licence of a driver for any reasonable cause.

4. Thurrock Council as a Licensing Authority has a set of conditions which, in addition to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847, as amended, regulates the hackney carriage service. A driver must be a fit and proper person.
6. The applicant has the right to appeal to the Magistrates Court against the refusal to grant a licence under section 51 of the 1976 Act.

### 7.3 Diversity and Equality

Implications verified by: **Becky Price**  
**Community Development Officer**

The Council is under a statutory duty to ensure that all relevant legislation is considered, and this includes other important statutory requirements, including the Rehabilitation of Offenders Act 1974. However, since 2002 licensed drivers have been an exempted occupation under this Act. In effect this means that, in relation to licensed drivers, no offence is ever spent.

However, the Council should give due regard to Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976, which sets out the statutory criteria that must be met before a private hire driver's licence can be granted. Section 59(1) (a) relates to the grant of a hackney carriage driver's licence. In both cases the requirement that must be satisfied is that the applicant is a 'fit and proper person' to hold a licence. This therefore places a duty on the Authority not to grant a licence...."unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence..." A right of appeal to the Magistrates Court against the refusal to grant a licence to drive private hire and hackney carriage vehicles exists under Section 52(1) and 59 (2) of the 1976 Act respectively.

### 7.4 Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

The implications of Section 17 of the Crime and Disorder Act 1998 have been considered and can be found in 6.1 above.

### 8. Background papers used in preparing the report:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Road Safety Act 2006 Section 52

**9. Appendices to the report:**

- Appendix A - Copy of Mr Venus' online DVLA check
- Appendix B - Thurrock Council's statement of policy and guidelines relating to the relevance of convictions, formal / simple cautions, complaints and/or other matters

**Report Author:**

Laura Manning  
Licensing Officer

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CNL-THURRO Thurrock Council

D0495A - Mr John Venus

Driver Details Documents Licence Details

Displays the data subjects latest check information.

Licence Details

Check Details

Response Date 2016-08-02  
 Check Type DVLA-IEP (Electronic Check)  
 Mandate No 9757FF22  
 Check Reason Specific Check, target 2016-08-02  
 Number Checked VENUS709182J99LW

Result

Check Result Successful  
 Driver Number VENUS709182J99LW  
 Issue Number 42

Message

Driver Details

Driver Name VENUS, JOHN  
 Date Of Birth 1972-09-18

Licence

Licence Type F Full  
 Valid From 2015-11-13  
 Expiry Date 2023-08-06

Licence Summary

1. VENUS
2. JOHN
3. 1972-09-18
- 4a. 2015-11-13 4b. 2023-08-06 4c. DVLA
5. VENUS709182J99LW 42

8.

9. A,AM,B,B1,BE,C1,C1E,D1,D1E,f,k,l,n,p,q
- 1.Surname
- 2.Other Names
- 3.Date and place of birth
- 4a.Licence valid from
- 4b.Licence valid to
- 4c.Issuing Authority
- 5.Licence Number
- 8.Licence Address
- 9.Licence Categories

Endorsements

Offence Code	Date of conviction	Date of offence	Points	Offence Description
MS90	2016-07-14	2015-12-04	6	<b>Miscellaneous</b> Typically 3 points. Remains on licence for 4 years from Offence  Failure to give information as to identity of driver ect ...
SP30		2016-02-11	3	<b>Speed Limits</b> Typically 3-6 points. Remains on licence for 4 years from Offence  Exceeding statutory speed limit on a public road

Categories

Code	From Date	To Date	Entitlement/Restrictions	Description
A	2013-01-19	2042-09-17	Full 793: Unknown Code	<b>Motorcycles</b> From age 24. A motorcycle with power exceeding 35kW or a power to weight ratio exceeding 0.2kW per kg, or derived from a vehicle of more than double its power. A motor tricycle with a power exceeding 15kW..  Changed in 2013 by the EU third directive.  Aged 24 or two years after date of Standard A2 pass.
AM	2013-08-07	2042-09-17	Full	<b>Moped or Light Quadricycle</b> From age 16. Two-wheel vehicles or three-wheel vehicles with a maximum design speed of over 25km/h and not more than 45km/h. Light quadricycle with an unladen mass of not more than 350kg, (not including the mass of batteries in the case of electric vehicles), whose maximum design speed is over 25km/h and not more than 45km/h..

				New category introduced 2013 by the EU third directive, to provide a cross-border moped entitlement. Similar to category p but including light quadricycles, and a slightly lower design speed limit.
B	1990-05-02	2042-09-17	Full	<p><b>Cars, motor vehicles under 3500Kg and 8 seats.</b> From age 17. Motor vehicles with a MAM not exceeding 3500kg having not more than 8 passenger seats with a trailer up to 750kg. Combinations of towing vehicles in category B and a trailer, where the MAM of the combination does not exceed 3500kg and the MAM of the trailer does not exceed the unladen mass of the towing vehicle. Age 16 if you are currently getting Disability Living Allowance at the higher rate (mobility component).</p> <p>Please note: If the test was passed prior to 01-01-1997, the driver may also be entitled to drive additional categories of vehicles. For more information see our Frequently Asked Questions If the driver needs to drive a vehicle not shown here, please contact us for advice.</p>
B1	1990-05-02	2042-09-17	Full	<p><b>4 wheeled light vehicles.</b> From age 17. Motor vehicles with four wheels up to 400kg unladen weight or 550kg for vehicles intended for carrying goods..</p> <p>Changed in 2013 by the EU third directive.</p>
B+E	1990-05-02	2042-09-17	Full	<p><b>Cars with trailers</b> From age 17. Combinations of vehicles consisting of a vehicle in category B and a trailer, where the combination does not come within category B..</p>
C1	1990-05-02	2042-09-17	Full	<p><b>Medium Sized Vehicles</b> From age 18. Lorries between 3500kg and 7500kg with a trailer up to 750kg.. Age 18 if combination weight is under 7500kg.</p>
C1+E	1990-05-02	2042-09-17	Full 107: Not more than 8250kg	<p><b>Medium Sized Vehicles with Trailers</b> From age 21. Lorries between 3500kg and 7500kg with a trailer over 750kg - total weight not more than 12000kg (if you passed your category B test prior to 1.1.1997 you will be restricted to a total weight not more than 8250kg). If passed before 1997, total weight must be under 8250kg. Age 18 if combination weight is under 7500kg.</p>
D1	1990-05-02	2042-09-17	Full 101: Not for hire or reward	<p><b>Minibuses</b> From age 21. Vehicles with between 9 and 16 passenger seats with a trailer up to 750kg. Age 17 if member of armed forces. Age 18 if learning, not carrying passengers, or under PSV licence.</p>
D1+E	1990-05-02	2042-09-17	Full 101: Not for hire or reward 119: Weight limit does not apply	<p><b>Minibuses with trailers</b> From age 21. Combinations of vehicles where the towing vehicle is in subcategory D1 and its trailer has a MAM of over 750kg, provided that the MAM of the combination thus formed does not exceed 12000kg, and the MAM of the trailer does not exceed the unladen mass of the towing vehicle.. Age 17 if member of armed forces. Age 18 if learning, not carrying passengers, or under PSV licence.</p>
A	1989-09-18	2042-09-17	Provisional	<p><b>Motorcycles</b> From age 24. A motorcycle with power exceeding 35kW or a power to weight ratio exceeding 0.2kW per kg, or derived from a vehicle of more than double its power. A motor tricycle with a power exceeding 15kW..</p> <p>Changed in 2013 by the EU third directive.</p> <p>Aged 24 or two years after date of Standard A2 pass.</p>
F	1990-05-02	2042-09-17	Full	<p><b>Agricultural tractors</b> From age 17. Agricultural tractors. Age 16 for tractors less than 2.45m wide. It must only pull trailers less than 2.45m wide with two wheels, or four close coupled.</p>
K	1990-05-02	2042-09-17	Full	<p><b>Mowers/pedestrian controlled vehicles.</b> From age 16. Mowing machine or vehicle controlled by a pedestrian.</p>
L	1990-05-02	2042-09-17	Full	<p><b>Electric vehicles</b> From age 16. Electric vehicles.</p>
N	1990-05-02	2042-09-17	Full	<p><b>Vehicles used for very short distances on highway</b> From age 0.</p>



<b>P</b>	1990-05-02 2042-09-17 <b>Full</b>	<p>Vehicles used for very short distances on public roads. .                  The driver may be any age, but public roads may be used <b>only</b> for very short distances, for example to cross a public road from one private property to another.</p>
<b>Q</b>	2013-08-07 2042-09-17 <b>Full</b>	<p><b>Mopeds</b>                  From age 16.                  Mopeds.</p> <p><b>Moped</b>                  From age 16.                  Motor vehicles with fewer than four wheels which, if propelled by an internal combustion engine, has a cylinder capacity not exceeding 50cc and, if not equipped with pedals by means of which the vehicle is capable of being propelled, has a maximum design speed not exceeding 25km/h..</p>
<b>G</b>	1989-09-18 2042-09-17 <b>Provisional</b>	<p>New category introduced 2013. Similar to p but restricted in design speed.</p> <p><b>Road Rollers</b>                  From age 21.                  Road Rollers.                  Age 17 for small road rollers with metal or hard rollers. They must not be steam powered, weigh more than 11.69 tonnes or be made for carrying loads.</p>
<b>H</b>	1989-09-18 2042-09-17 <b>Provisional</b>	<p><b>Tracked Vehicles</b>                  From age 21.                  Tracked Vehicles.</p>



CNL-THURRO Thurrock Council

D0495A - Mr John Venus

Driver Details Documents Licence Details

Displays the data subject personal information including address, date of birth and driving licence number if held. Also includes any additional information we have been requested to hold.

**Account**

Account No CNL-THURRO  
Account Name Thurrock Council

Status: OK

[Email Us About This Driver](#)

**Data Subject**

Data Subject No D0495A  
Data Subject Name Venus, Mr John  
Customer Ref  
Other Ref  
Email Address  
Date Of Birth 1972-09-18  
Licence Number VENUS709182J99LW  
Licence Issuer DVLA

**Last Check**

Response Date 2016-08-02  
Check Type DVLA-IEP (Electronic Check)  
Mandate No 9757FF22  
Message

**Address**

Street 109 St Chad'S Road, Tilbury St Chads  
Town Tilbury  
Postcode RM18 8LH

**Licence**

Licence Type F Full  
Expiry Date 2023-08-06  
Points 9  
Endorsements 2  
Points in last 3 years 9

**Next Check**

Due Date  
Check Reason Policy: No Recheck Scheduled

- [Edit this Data Subject](#)
- [Add Additional Driver For This Data Subject](#)
- [Link to Main Driver](#)
- [Email Driver](#)



All Subjects > All Subjects

View and download all your data subjects or search for individuals

This report has 483 subjects.

Do you want to:

- Download full list as CSV For Excel or other spreadsheets.
- Download Search Results as CSV For Excel or other spreadsheets.
- Show the full list in your browser. This may take a while.
- Search the list.

Search Criteria

Last Name:  Data Subject No:

First Name:  Customer Ref:

Date of Birth:  Other Ref:

- Report Search
- Custom Field Search

Showing 1 of 483 subjects

<input type="checkbox"/>	Subject	Subject Name	Date of Birth	Your Ref.	Current Ref.	New Ref.	Left Ref.	Check	Licence Number	Licence	Points (3 Years)	Points (Total)	Endorsements (Total)	Address City	Address Postcode	Address Property	Age	Create date	Main Driver Name	Main Driver No	Company Division/Group	Problem Description	Licence Issuer	Mandate Expiry Date	
<input type="checkbox"/>	D0495A	Venus, Mr John	1972-09-18	Current	None	2016-08-02	VENUS706182J98LW	42	Type: Full (F)	Exp: 2023-08-06;	9	9	2	Tilbury	RM18 8LH	109 St Chads Road, Tilbury St Chads	43	2015-02-12 15:23:30.663						UK DVLA (Mainland GB)	2018-01-26

For the selected drivers:





## Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters

1. Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
2. The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
3. In considering evidence of an individual's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal and/or other matter(s) is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, and/or other matter(s), the individual's age when the offence was committed and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].
4. If an applicant has ever lived outside the UK for a period of more than 4 continuous weeks, other than for a holiday, they will also need to supply a 'Certificate of Good Conduct' from the relevant embassy.
5. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual.
6. Any individual who is refused a driver's licence or has such a licence suspended or revoked on the ground that the Council is not satisfied he is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
7. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, applicants are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

### **Failure to Disclose Information**

8. Withholding information when submitting an application can be interpreted as deception and may lead to refusal of the application for this reason alone.

9. Failure to notify the Licensing Department of any arrest, conviction, caution or other relevant matter during the duration of the licence in accordance with a licence condition or bylaw, will also be treated as deception and may lead to refusal/revocation/suspension of a licence for this reason alone.

### **GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS, FORMAL/SIMPLE CAUTIONS, AND /OR OTHER MATTERS**

10. Each case will be decided on its own merits.
11. For the purpose of these guidelines formal and simple cautions and endorsable fixed penalties will be treated as though they were convictions.
12. Where an applicant has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines. In these circumstances the period for which the applicant would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.
13. Restorative justice is increasingly used by the police as a less formal way of dealing with issues as an alternative to the criminal court system. The Council recognise that restorative justice should not be dealt with as though it were a conviction, but that it can be taken into consideration, when deciding if a person is a 'fit and proper' to hold a licence.
14. Where any offence has resulted in a term of imprisonment, the time periods given will run from the date that the applicant was released from prison, not from the date of conviction.
15. Where an applicant has been subject to a bind over, restraining order or similar, imposed by a court, no application will normally be considered until a period of at least 6 months has elapsed from the period of any such order finishes.
16. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
17. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.
18. A very serious view will be taken of any conviction; no matter how minor or serious, that occurs whilst the person is the holder of a current licence and especially if the offence occurred whilst in the course of their employment as a licensed proprietor, driver or operator.



19. The following examples afford a general guide on the action, which might be taken where convictions are disclosed.

**a) Dishonesty**

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include vulnerable people.

For these reasons a serious view is taken of any conviction(s) involving dishonesty. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s) or offence(s) which replace the below offences, and the conviction is less than 3 years ago

- i. Theft
- ii. Burglary
- iii. Fraud
- iv. Benefit Fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- v. Handling or receiving stolen goods
- vi. Forgery (eg producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception

**b) Violence**

- i. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences:
  - a. Murder
  - b. Manslaughter
  - c. Manslaughter or culpable homicide while driving
- ii. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences and the conviction was less than 10 years ago:
  - a. Arson
  - b. Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially or religiously aggravated (s.29(1)(a) Crime and Disorder Act 1998)
  - c. Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially or religiously aggravated (s.29(1)(b) Crime and Disorder Act 1998)
  - d. Grievous bodily harm with intent (s.18 Offences Against the Person Act)
  - e. Grievous bodily harm with intent (s.20 Offences Against the Person Act)
  - f. Robbery
  - g. Possession of firearm

- h. Riot
  - i. Assault Police
  - j. Common assault with racially or religiously aggravated (s.29(1)(c) Crime and Disorder Act 1998)
  - k. Violent disorder
  - l. Resisting arrest
- iii. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences and the conviction was less than 5 years ago:
- a. Racially or religiously -aggravated criminal damage (s.30 Crime and Disorder Act 1998)
  - b. Racially or religiously -aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
  - c. Racially or religiously -aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
  - d. Racially or religiously -aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
  - e. Racially or religiously -aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
  - f. Racially or religiously -aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- iv. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences and the conviction was less than 3 years ago:
- a. Common Assault
  - b. Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
  - c. Affray
  - d. S5 Public Order Act 1986 offence (harassment, alarm or distress)
  - e. S.4 Public Order Act 1986 offence (fear of provocation of violence)
  - f. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
  - g. Harassment – breach of restraining order – on conviction Protection from Harassment Act 1997 s.5(5)+s.5(6)
  - h. Obstruction
  - i. Possession of offensive weapon
  - j. Criminal damage

### **c) Drugs**

- i. An application will normally be refused where an applicant has an isolated conviction for an offence related to the possession of drugs in the previous 3 years.
- ii. An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs in the previous 5 years.

- iii. An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs in the previous 5 years.
- iv. If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

**d) Sexual and Indecency Offences**

- i. Any conviction for an offence of a sexual nature or involving indecency will be viewed most seriously. In any application where such offences are declared or found to be recorded against the applicant, the matter will be referred to the Licensing Sub-Committee for a decision irrespective of how long ago the conviction was.
- ii. As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.
- iii. Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure, other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence until they can show a substantial period (usually 7 years) free from any such conviction.
- iv. If an applicant has been placed on the Sex Offenders Register then the period of seven years shall run from the date of removal from that register. Under no circumstances will an application be accepted from any person still on the register.
- v. Where there is more than one conviction for this type of offence, or the conviction has arisen as the result of the use or operation of a licensed vehicle in the course of public or private hire, the application will normally be refused.

**e) Drunkenness**

- i. With a motor vehicle (No Disqualification)

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

An application will normally be refused where the applicant has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

More than one conviction for this type of offence, within the last 5 years of the date of conviction is likely to be refused.

- ii. With a motor vehicle (Disqualification)

Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

iii. Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

**f) Safeguarding of Vulnerable Groups**

Where an applicant is included on the Children's or Adult's Barred Lists of the Independent Safeguarding Authority, no application for grant of a licence will be entertained whilst they remain on either list.

Where an applicant has been on either barred list and subsequently removed from it, no application will be entertained until seven years have elapsed after removal from the list.

**g) Counter Terrorism**

Any conviction for an offence of relating to counter terrorism will be viewed most seriously. In any application where such offences are declared or found to be recorded against the applicant, the matter will be referred to the Licensing Sub-Committee for a decision irrespective of how long ago the conviction was.

## MOTORING CONVICTIONS

### 20. MAJOR TRAFFIC OFFENCES

#### One Conviction

Where an applicant has one Major Traffic Offence, within the last 2 years, the application will normally be refused.

#### Two or more Convictions

Where an applicant has more than one Major Traffic Offences in the previous 5 years, the application will normally be refused.

#### Disqualification

If any conviction for a Major Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".

For the purposes of these guidelines the following motoring offences are classed as 'Major Traffic Offences':

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit

DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving / attempting to drive
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle
TT99	Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

#### Aiding, Abetting, Counselling or Procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

#### Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

#### Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16). Or similar offences or offences which replace the above offences.

## 21. INTERMEDIATE TRAFFIC OFFENCES

Any Intermediate Traffic Offence, which has attracted 4 or more penalty points will be treated as though it were a Major Traffic Offence.

### One Conviction

An isolated Intermediate Traffic Offence need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

### Two or more Convictions

Where an applicant has more than one Intermediate Traffic Offences in the previous 12 months, the application will normally be refused.

### Disqualification

If any conviction for an Intermediate Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".

For the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle mobile phones etc
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration of other road users
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence

### Aiding, Abetting, Counselling or Procuring

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

### Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).

### Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16). Or similar offences or offences which replace the above offences.

## 22. MINOR TRAFFIC OFFENCES

Any Minor Traffic Offence which has attracted 4 or more penalty points will be treated as though it were an Intermediate Traffic Offence

### Two or less Convictions

Where an applicant has two or less Minor Traffic Offences in the previous 12 months, the application will normally be granted with a letter of warning being placed on the file.

### Three or more Convictions

Where an applicant has more than two Minor Traffic Offences in the previous 12 months, the application will normally be refused.

### Disqualification

If any conviction for a Minor Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled “disqualification”.

For the purposes of these guidelines the following motoring offences are classed as ‘Minor Traffic Offences’:

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a “Stop” sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding “Stop” sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

### Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

### Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

### Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16) Or similar offences or offences which replace the above offences.



## 23. DISQUALIFICATION

### a) **Disqualification – Major Traffic Offence**

An application will generally be refused unless a period of 3 years has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

### b) **Disqualification – Intermediate Traffic Offence**

An application will generally be refused unless a period of 2 years has elapsed from the restoration of the DVLA licence.

### c) **Disqualification – Minor Traffic Offence**

An application will generally be refused unless a period of 1 year has elapsed from the restoration of the DVLA licence.

## 24. SPENT CONVICTIONS

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction(s).

## 25. VEHICLE FITNESS

If a licensed driver is found to be repeatedly driving unfit vehicles, that driver will be considered responsible and as a result will be referred to the Licensing Sub-Committee.

## 26. COMPLAINTS

All complaints will be kept on file. If a driver receives a complaint, an investigation will take place and, following that investigation, they may be referred to the Licensing Sub-Committee.

If a driver receives several complaints of a similar nature, they will be referred to the Licensing Sub-Committee.

## 27. OTHER OFFENCES

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular, an applicant will normally be refused a licence if (s)he has been convicted of an offence under the Acts in the previous 2 years or has more than one conviction within the last 5 years.

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