

## Hackney Carriage and Private Hire Driver Application



In this document you will find:

- The procedure for submitting an application
- A guide for completing the CRB (Criminal Records Bureau) application
- Information regarding the knowledge test
- Bylaws relating to hackney carriages
- Fees and charges
- Application form
- Medical Certificate

### Procedure for Submitting an Application to Renew/Grant a Licence to Drive a Hackney Carriage or Private Hire Vehicle.

**It is important that you read this application pack in full before applying for a Hackney Carriage or Private Hire Drivers Badge. This application pack should be kept for future reference so that you are fully aware of the conditions of licensing.**

The grant/renewal of a licence is subject to a CRB check. In addition, a check will be made with the DVLA in respect of driving convictions. We may get information about you from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include other local authorities and government departments.

#### Licence

Licences will be issued for varying periods according to the following age groups:

- |     |                      |   |
|-----|----------------------|---|
| (a) | 21-67 years of age   | 3 years license                               |
| (b) | 68-70 years of age   | licence expiring on 70 <sup>th</sup> birthday |
| (c) | 70 years and onwards | annually                                      |

#### Medical Certificate

Before a licence can be issued, the applicant will also need to be certified fit by their medical practitioner to be licensed as a Hackney Carriage/Private Hire Driver. The approved form to be used for this purpose is included in this pack (printed on yellow paper). The fee for this examination is to be borne by the applicant.

Applicants will be required to undergo a medical examination for periods according to the following age groups:

- |     |                      |                          |
|-----|----------------------|--------------------------|
| (a) | 21-60 years of age   | every 6 years            |
| (b) | 60-70 years of age   | at every licence renewal |
| (c) | 70 years and onwards | annually                 |

#### Disability Awareness Course

New applicants are required to attend a "Disability Awareness" training course or demonstrate that they have attended a similar course. If any existing private hire or hackney carriage driver would like to undertake the course free of charge please contact the licensing officer. The cost of the course for new applicants is £30.

#### Ability to Work in the UK

The Council has a duty to ensure that only those persons who are entitled to work in the UK are issued a licence to drive a licensed vehicle. For this reason all applicants (new and those applying to renew their existing licence) must provide evidence to show that they are entitled to work in the UK (without restriction; those persons who have restricted ability to work in the UK will NOT be granted a licence). If you are granted full entitlement to work for 12 months at a time, you will be required to resubmit your documents every 12 months to show that your entitlement has been renewed/extended. If, at any time, your entitlement is removed, your licence to drive a licensed vehicle will be revoked. Further information regarding what documents you can submit with your application to show your entitlement are given later in this document, 'Prevention of Illegal Working', and can be obtained from the following website: <http://www.bia.homeoffice.gov.uk/>

#### NEW applicants

First time applicants must at the time of application be:

- 21 years of age
- Have held a current licence to drive a motor vehicle (not being a provisioning license) issued in accordance with the Road Traffic Act 1972, for a period of not less than 12 months prior to the date of application.
- On 2nd March 2006 the Licensing and General Purposes Committee resolved the following: That the existing pre-licensing requisite requirements be amended to include a condition that applicants are required to demonstrate competency in written and oral comprehension of the English Language before the grant of a Hackney Carriage or Private Hire Driver's Licence.

#### What happens if my licence hasn't been issued 6 months after I apply?

You will have to have another CRB and DVLA check.

#### What happens if my licence hasn't been issued 12 months after I apply?

Your application will be null and void and you will need to reapply.

#### Appointments

An appointment with a Licensing Officer can be arranged by ringing 01727-819453.

#### Renewal of Licence

It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Licence renewals will not be granted until all the relevant checks have been completed. To avoid delay, applicants are advised to submit an application **2 months** before the expiration of the current licence.

#### Issuing/Suspending/Revoking/Withdrawing or Refusing to Renew a Licence

It must be clearly understood that the hackney carriage/private hire drivers licence are issued in good faith, and should any information supplied by the applicant prove to be false or misleading, the licence may be withdrawn. The licence will also be withdrawn if the drivers Department of Transport driving license is suspended or revoked by a Court of Summary Jurisdiction. That any conviction or pending prosecution of any nature must be reported to the Licensing Officer regardless of nature, penalty or outcome immediately.

The attention of drivers and applicants for Driving Licences is drawn to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, whereby a District Council may suspend, revoke, or refuse the renewal of a licence where the driver has been convicted of any offence involving dishonesty, indecency, violence or any other reasonable cause.

## Completing Your Application

- Make an appointment with the Licensing Officer to submit the application. Telephone: 01727-819453
  - ◆ Bring to the appointment (the CRB and DVLA forms will be completed at the appointment):
    - The necessary documents to complete the CRB check
      - Passport
      - DVLA licence
      - National Insurance number card or other document
      - 2 proofs of address
    - Proof that you understand written and spoken English (new applicants)
    - The completed application form
    - The completed medical certificate (if applicable) (The medical certificate can be one of the last documents you provide with reference to your application. It does not have to be submitted on the day of application but in the case of a new applicant would be required before a licence could be issued and in the case of a renewal of an existing licence, would be required before the current licence expired.)
    - 2 passport photographs
    - Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa
    - Payment for the application (not cash)

No licences can be issued until all checks have been completed. Licences allowed to lapse will be treated as new applications not renewals.

If you arrive late for your appointment you will not be seen and you will need to make another appointment.

Any queries regarding licensing should be directed to: Licensing Section, Environment and Health Department, St Albans District Council, Civic Centre, St Albans, Herts, AL1 3JE Tel: 01727 819453/819454

**Nothing in this document shall be interpreted as over-riding the provisions of either the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976.**

## Fees

Fees once paid will on no account be refunded, and fees may also be amended from time to time to meet the reasonable cost of issue and administration.

### Fees (1 April 2010 to 31 March 2011) Taxi Fees

	Resident	Non-resident
Total fees for renewing driver licence	£257.50*	£307.50*
Total fees for new applicant for drivers licence	£382.50*	£432.50*

	Resident	Non-resident
Vehicle 1yr	£300*	£360*

\* vehicle 1 yr licence fee reduced by £60 at the present time for authorised low emission CO<sup>2</sup> vehicles.

Plate deposit		£102
Transfers		£108
External plate replacement		£21
Internal plate replacement		£8
Bracket		£10
Duplicate paper licence		£1
Illuminous Fare Chart		£10
Livery	Shield	£4 each
	Number	£1 each
	Stripes	£41
	Total	£51

	Resident	Non-resident
Driver 3yrs	£200	£250
Driver over 70 1yr (costs pro rata from 67-70)	£32	£37
Duplicate paper licence		50p
Replacement clip for badge		50p
Badge		£10
DVLA check		£5.50
CRB check		£42
Knowledge test		£95

Knowledge test re-take	£64
Disability Awareness Course	£30

Operator	£300
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## CRB – An applicant's guide to completing the disclosure application form

The CRB form will be completed at your appointment.

### Confirming your identity

Your identity needs to be confirmed. You need to provide original documentation (no photocopies) to the Licensing Officer at St Albans Council. The list below gives the documents that can be accepted.

### Which documents do you need to provide?

You must bring to the appointment documents (from the list below) to verify:

- Your name
- Date of birth
- National insurance number
- Driving licence number
- Passport number
- Current address

### Acceptable identity documents

#### Group A

- Valid passport (any nationality)
- UK Driving Licence (either photo card or paper)
- Original UK Birth Certificate (issued within 12 months of the date of birth) (full or short form acceptable)
- Valid photo identity card (EU countries only)
- UK Firearms Licence

#### Group B

- P45/P60 statement\*
- Bank or building society statement\*\*
- Utility Bill\*
- Valid TV licence
- Credit Card Statement\*
- Store Card Statement\*
- Mortgage Statement\*\*
- Valid insurance certificate
- Certificate of British nationality
- British work permit/visa\*\*
- Connexions card
- Child benefit book \*\*
- Exam certificate (e.g. GCSE, NVQ)
- Correspondence or a document from: the Benefits Agency, the Employment Service, the Inland Revenue, or a Local Authority\*
- Financial statement\*\*
- Valid vehicle registration document
- Mail order catalogue statement\*
- Court summons\*\*
- Valid NHS Card
- Addressed payslip\*
- National insurance number card

\*less than 3 months old

\*\*issued within past 12 months

Please note that these documents must be from different sources e.g. one bank statement and one Council Tax Bill, not, one bank statement and one credit card bill from the same bank.

## The Knowledge Test

- The knowledge test is normally held on the first Thursday of the month.
- £95 for the first attempt and then £64 for any re-take.
- A complete application must be submitted before the knowledge test can be taken.
- All fees must be paid at least 1 day before the test.
- The fee is non-refundable.
- If you fail to attend the test for whatever reason the fee will not be refunded or transferred to another test date.

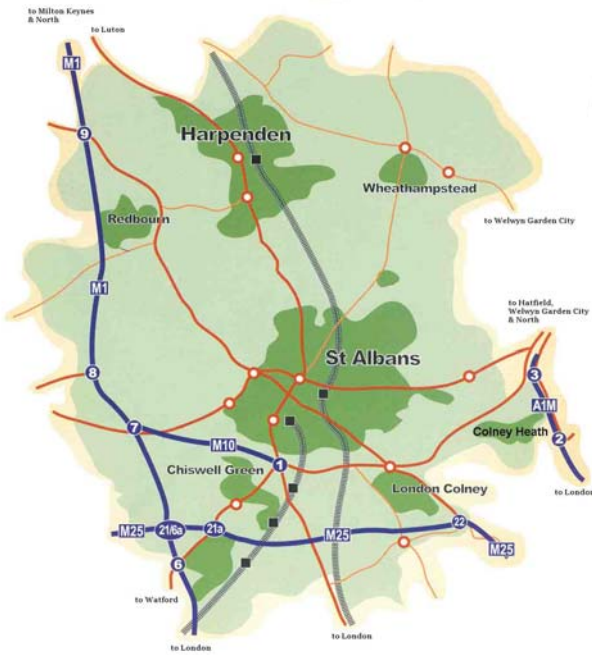
## Hackney Carriage

The test will consist of 40 questions, sight unseen relating to the District of St Albans only, and will include roads, public houses, churches, schools, office complexes and tourist landmarks. There will be 30 questions based on routes, 10 questions relating to hackney carriage law. You must get 30 out of 40 to pass the Hackney Carriage knowledge test. During the test you must:

- Not miss any roads or places from any route as this will automatically invalidate your answer and it will be marked wrong
- Take the shortest, quickest and most direct route

- Give the roads taken on the route only. It is not necessary to put 'left at the traffic lights' etc.
- Not talk or cause disruption

Failure to answer at least 30 questions will mean that the paper will not be marked. You will be informed of the results as quickly as possible, therefore, please do not contact the department as this will slow the marking process. Detailed information regarding the outcome of the test cannot be given and your test paper will not be returned to you.



#### Private Hire

The private hire knowledge test will be on 12 routes randomly selected from the routes below. You must get 10 out of 12 correct to pass the test.

During the test you must:

- Not miss any roads or places from any route as this will automatically invalidate your answer and it will be marked wrong
- Take the shortest, quickest and most direct route
- Give the roads taken on the route only. It is not necessary to put 'left at the traffic lights' etc.
- Not talk or cause disruption

Failure to answer at least 10 questions will mean that the paper will not be marked. You will be informed of the results as quickly as possible, therefore, please do not contact the department as this will slow the marking process. Detailed information regarding the outcome of the test cannot be given and your test paper will not be returned to you.

Please state the most direct and quickest route to the following:

1. The Willows, St Albans to Upper Heath Road, St Albans
2. Partridge Road, St Albans to Ramsbury Road, St. Albans
3. St Julians Road, St Albans to Firwood Avenue, St Albans
4. Warren Road, St Albans to the Park, St Albans
5. Dubrae Close, St Albans to Cape Road, St Albans
6. "The Goat" Public House, St Albans to Harptree Way, St Albans
7. British Legion, St Albans, to Glenlyn Avenue, St Albans
8. Park Avenue, St Albans to Netherway, St Albans
9. Oswald Road, St Albans to Villiers Crescent, St Albans
10. St Albans Abbey Station to Lawrance Road, St Albans
11. Meadowcroft, St Albans to Ladysmith Road, St Albans
12. Nelson Avenue, St Albans to Kimberly Road, St Albans
13. Rowlatt Drive, St Albans, to Pondfield Crescent, St Albans
14. Kings Road, St Albans to Hughenden Road, St Albans
15. Heathlands Drive, St Albans to Trumpington Drive, St Albans
16. Tithe Barn Close, St Albans to Becketts Avenue, St Albans
17. Wynchlands Crescent, St Albans to Butt Field View, St Albans
18. Marshall Avenue, St Albans to Springfield Road, St Albans

19. Chiltern Road, St Albans to Praetorian Court, St Albans
20. Shirley Road, St Albans to Holyrood Crescent, St Albans
21. Welclose Street, St Albans to Aldwick, St Albans
22. Churchill Road, St Albans to Upton Avenue, St Albans
23. Lindum Place, St Albans to The Dell, St Albans
24. Burnham Road St Albans to Birchmead Close, St Albans
25. Althorpe Road, St Albans to the Lawns, St Albans
26. Manor Road, London Colney to Hazel Road, How Wood
27. Barnet Road, London Colney to Burydell Lane, Park Street
28. Mansdale Road, Redbourn to Wordsworth Road, Harpenden
29. Harpenden Central Station to Cavan Road, Redbourn
30. Roundwood Lane, Harpenden to East Lane, Wheathampstead
31. Lattimore Road, Wheathampstead to Summerfield Close, London Colney
32. West Way, Harpenden to Down Edge, Redbourn
33. Harvey Road, London Colney, to Colne Gardens, London Colney
34. Common Lane, Harpenden to Willoughby Road, Harpenden
35. Wildwood Avenue, Bricketwood to Barnfield Road, Harpenden
36. East Lane, Wheathampstead, to Hartwell Gardens, Harpenden
37. Dalkeith Road, Harpenden to Hawsley Road, Harpenden
38. Moorland Road, Harpenden to Aldwick Road, Harpenden
39. Saberton Close, Redbourn to Paddock Wood, Harpenden
40. Wood End Hill, Harpenden to Pipers Avenue, Harpenden
41. Dellcroft Way, Harpenden to St James Road, Harpenden
42. Southview Road, Batford to Coleswood Road, Harpenden
43. Waldegrave Park, Harpenden to Kinsbourne Close, Harpenden
44. Harperbury Hospital – St Albans School
45. Townsend School, St Albans – Sopwell House Hotel
46. Francis Bacon School, St Albans – Hanover International Hotel, Harpenden
47. Police Station Harpenden – City Museum, St Albans

#### Additional questions to be used from August 2011.

1. Roland Street, St Albans to Lyndon Mead, Sandridge
2. Everlasting Lane, St Albans to Abbots Avenue West, St Albans
3. Tyttenhanger Green, St Albans to Mentmore Road, St Albans
4. Ashley Gardens, Harpenden to George Street, St Albans
5. Medlows, Harpenden to Queen Street, St Albans
6. Wood End Hill, Harpenden to Battleview, Wheathampstead
7. Glensford Drive, Harpenden to Granary Close, Wheathampstead
8. Sun Lane, Harpenden to Offas Way, Wheathampstead
9. Cross Lane, Harpenden to Hunters Ride, Bricket Wood
10. Netherfield Road, Harpenden to Stratford Way, Bricket Wood
11. West Common Close, Harpenden to North Close, Chiswell Green
12. Furzedown Court, Harpenden to Tanners Close, St Albans
13. Old Rectory Close, Harpenden to St Yon Court, St Albans
14. Victoria Road, Harpenden to Folly Lane, St Albans
15. Haysley Park, London Colney to The Hollies, St Albans
16. Tovey Close, London Colney to Jennings Road, St Albans
17. Wheatleys, St Albans to Wilkins Green, Smallford
18. Burston Drive, Park Street to Beeching Close, Harpenden
19. Park Street Lane, Park Street to Molescroft, Harpenden
20. Beaumont Hall Lane, Redbourn to Wood End Road, Harpenden

#### Prevention of Illegal Working

The Council has a duty to ensure that all those individuals it grants a licence to is entitled to work in the UK. For this reason the following documentation must be provided.

#### List A – documents which show an ongoing right to work

If you can provide documents from list A, you do NOT need to provide any from list B.

1. A passport showing that the holder is a British citizen
2. A passport showing that the holder is a citizen of the UK and Colonies having the right to abode in the UK – passport has a 'certificate of entitlement to the right of abode' in it.

3. A passport showing that the holder is a national of a European Economic Area (EEA) country or Switzerland
4. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office (HO), the Border and Immigration Agency (BIA), a national of a EEA or Switzerland
5. A permanent residence card issued by the HO or BIA to the family member of a national of EEA or Switzerland
6. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
7. A passport or other travel document endorsed to show that the holder is allowed to stay indefinitely in the UK, has the right of abode in the UK or has no time limit to their stay in the UK

**Document combinations – one of the following:**

8. An official document issued by a previous employer or Government agency i.e. HM Revenue and Customs, Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the permanent National Insurance number and name of the person

**Plus:**

- a. An immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK

**Or:**

- b. A full birth certificate/full adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents

**Or:**

- c. A birth certificate/adoption certificate issued in the Channel Islands, the Isle of Man or Ireland

**Or:**

- d. A certificate of registration or naturalisation as a British citizen

**Or:**

- e. A letter issued by the HO or the BIA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK

**List B – Documents which show a right to work for up to 12 months (where this is applicable the applicant will have to prove their right to work annually otherwise their licence will be revoked) (If you can provide documents from list B, you do NOT need to provide any from list A). You will need to provide either 1 or 2, with a combination of the following i.e. 3 + a or 3 + b; 4 or 5; 6; 7 or 8.:**

1. A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that it does not require the issue of a work permit
2. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question.

**Document combinations – first combination:**

3. A work permit or other approval to take employment issued by the HO or BIA with:
  - a. A passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question

**Or:**

- b. A letter issued by the HO or the BIA to the holder or the employer or prospective employer confirming the same

**Second combination – must be checked by the BIA Employer Checking Service:**

4. A certificate of application issued by the HO or the BIA to or for a family member of a national of a EEA country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old

**Or:**

5. An application registration card issued by the HO or the BIA stating that the holder is permitted to take employment

**Third combination:**

6. A document issued by a previous employer or Government agency e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency,

which contains the National Insurance number and name of the holder

**One of the following must be provided, if a document showing your National Insurance number has previously been provided:**

7. An Immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it can stay in the UK and is allowed to do the type of work in question

**Or:**

8. A letter issued by the HO or BIA to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the UK and is allowed to do the work in question

## Bylaws Relating to Hackney Carriage

Bylaws made under Section 68 of the Town Police Clauses Act, 1847 Section 171 of the Public Health Act 1875 by the Mayor and Citizens of the District of St Albans acting by the Council of the District of St Albans with respect to Hackney Carriages in the District of St Albans. Certified as a true copy Solicitor to the Council

**Interpretation**

1. Throughout the Bylaws, "the Council" means the Council of the District of St Albans and "the district" means the District of St Albans.

Provisions regulating the manner in which the number of each Hackney carriage, corresponding with the number of its licence, shall be displayed.

2. The proprietor of a Hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly marked on the outside and inside respectively of the carriage on plates provided by the Council in the positions indicated by the Council.

A proprietor or driver of a Hackney Carriage shall:-

- a) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
- b) Not cause or permit the carriage to ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided

3. The proprietor of a Hackney Carriage shall:-
  - a) provide sufficient means by which any person in the carriage may communicate with the driver.
  - b) cause the roof or covering to be kept watertight
  - c) provide any necessary windows and a means of opening and closing not less than one window on each side, such windows and other glass fitted shall be of toughened glass in accordance with the latest British Standard Specification for such material.
  - d) cause the seats to be properly cushioned or covered.
  - e) cause the floor to be provided with a proper carpet, mat or other suitable covering.
  - f) cause the carriage with its fittings and furniture to be kept in a clean condition well maintained and in every way fit for public service.
  - g) provide means for securing luggage if the carriage is so constructed as to carry luggage.
  - h) Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use and which must comply with British Standard Specification No. 1721.
  - i) Provide at least two (2) doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
  - j) Provide equal internal lighting within the carriage.

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

- a) the taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter.

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

Provision regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear any and what badges.

- 5. The driver of a Hackney Carriage provided with a taximeter shall:
  - a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the bylaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of hiring;
  - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.
- 6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7. The driver of a Hackney Carriage for which stands are fixed by any bylaw in that behalf shall, when plying for hire in any street and not actually hired:-
  - a) proceed with reasonable speed to an station the carriage on one of such stands
  - b) if a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved away.
- 8. The drivers of the first two Hackney Carriages standing upon a stand appointed by the Council shall be in constant attendance in, or within the immediate vicinity of, their carriages.
- 9. The proprietor or driver of a Hackney carriage, when standing or plying for hire, shall not by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 10. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 11. The driver of a Hackney Carriage, when attendant upon such a carriage shall be clean and tidy.

- 12. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time or place.
- 13. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, he shall, when standing or plying for hire, and when hired, wear the badge in such a position and manner as to be plainly visible.
- 14. The driver of a Hackney Carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:-
  - a) convey a reasonable quantity of luggage
  - b) afford reasonable assistance in loading and unloading
  - c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
- 15. The driver of a Hackney Carriage when hired to drive any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 16. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number specified on the plate affixed to the outside of the carriage. Provided that for the purposes of this bylaw, 2 children under the age of 12 years shall be regarded as on person and children under the age of 3 years shall not be reckoned.
- 17. The proprietor of a Hackney Carriage shall cause a statement of the fares to be fixed by the bylaw in that behalf to be exhibited inside the carriage in clearly distinguishable letters and figures.
 

The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this bylaw shall not wilfully or negligently cause or suffer the letters or figures in the Statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges made in respect thereof.
- 18. The proprietor or driver of a Hackney carriage shall, immediately after the termination of any hiring, or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- 19. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
  - a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the County Police Officer, Victoria Street, St Albans and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
  - b) Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the County Police Office, Victoria Street, St Albans whichever be the greater, but not more than five pounds).

#### Penalties

- 20. Every person who shall offend against any of these bylaws shall be liable on summary conviction to a fine not exceeding £20 and in the case of a continuing offence to further fine not exceeding £5 for each during which the offence continues after conviction thereof.

#### Repeal Of Bylaws

- 21. The bylaws with respect to Hackney Carriages which were made by the former St Albans City Council on the 17<sup>th</sup> day of March 1972 and confirmed by one of Her Majesty's Assistant Under Secretaries of State on the 22<sup>nd</sup> day of May 1972 as amended by the bylaws made by the Council on the 23<sup>rd</sup> day of May 1974 and confirmed by one of the said Assistant Under Secretaries of State on the 2<sup>nd</sup> day of April 1976 and the amendment to the bylaws made by the Council in pursuance of the Hackney Carriage Fares

(amendment of bylaws) Order 1974 made on the 23<sup>rd</sup> day of January 1975 are hereby repealed.

THE COMMON SEAL OF THE COUNCIL OF THE DISTRICT OF ST ALBANS was hereto affixed this 10<sup>th</sup> day of May 1976 in the presence of: E.L. Hewitt, Mayor and R.H. Braddon, Chief Executive Officer

The Secretary of State this day confirmed the foregoing bylaws and fixed the date on which they are to come into operation as the 23<sup>rd</sup> day of July 1976. R.F.D. Shuffrey, An Assistant Under Secretary of State

THE COMMON SEAL OF THE COUNCIL OF THE DISTRICT OF ST ALBANS Was hereto affixed this 4<sup>th</sup> day of February 1977 in the presence of Kenneth S. Hill, Mayor and R.H. Braddon, Chief Executive Officer

The Secretary of State this day confirmed the foregoing bylaw and fixed the date on which it came into operation as the 1<sup>st</sup> day of April 1977. R.F.D. Shuffrey An Assistant Under Secretary of State Signed by authority of the Secretary of State 25<sup>th</sup> March 1977. Home Office, Whitehall

Bylaw 17 of the series of Bylaws relating to Hackney Carriages made by the Mayor and Citizens of the District of St Albans, acting by the Council on the 10<sup>th</sup> day of May 1976 and confirmed by one of Her Majesty's Principal Under Secretaries of State on the 23<sup>rd</sup> July 1976, is hereby repealed and replaced by the following Bylaws which shall be read and construed as one with the series aforesaid:-

### Provision Fixing the Stands of Hackney Carriages No. 17

Places specified below shall be stands of such number of Hackney Carriages as specified:-

St. Peters Street St Albans	6 vehicles	on the west side of the service road outside number 38 commencing 4'6" (1.37 m) from the Municipal Gardens exit and extending for a distance of 95'3" (29.3 m) the vehicles facing a southerly direction
Ringway Road How Wood St Albans	2 vehicles	On the north east side of Ringway Road, south of the shop commencing from a point 7 metres from the junction line with How Wood and extending for a distance of 11 metres, and the vehicles to stand facing a south easterly direction.
High Street London Colney	2 vehicles	On the east side of High Street, London Colney, commencing from a point 21 metres from the junction line of Alexander Road and extending for a distance of 11 metres in a southerly direction, the vehicles to stand facing in a southerly direction.
Granary Close Wheathampstead	2 vehicles	On the south side of Granary Close commencing from a point 10 metres from the junction line of High Street, Wheathampstead, and extending for a distance of 11 metres in an easterly direction, vehicles to face in a westerly direction.
Hughenden Road Marshalswick	2 vehicles	On the south side of Hughenden Road, commencing from a point 17 metres from the junction line of Sherwood Avenue extending for a distance of 11 metres in an easterly direction, the vehicles to face in a westerly direction.

### Standard Conditions For A Private Hire Driver's Licence

#### 1. Licence requirements

1.1 Any change of name or address of the Licensee must be notified to the Licensing Department within 7 days of the occurrence.

1.2 The Licensee shall at the request of any Authorised Officer of the Council or of any Police Constable produce for inspection this Licence either forthwith or

- a) in the case of a request by an Authorised Officer of the Council, at the Licensing Department, St Albans District Council, Civic Offices, St Peters Street, St Albans or such other place as may be specified, before the expiration of the period of seven days beginning with the day following that on which the request is made.
- b) in the case of a request by a Police Constable before the expiration of any such period and any such place as may be specified in writing for the purpose.

1.3 The Licensee shall, unless specifically exempted in writing by the Council, whilst working as a Private Hire Driver, display, in such a position and manner as to be plainly and distinctly visible, a driver's badge issued in accordance with the grant or renewal of this Licence incorporating his or her photograph and badge number (the badge shall be provided by and remain the property of the Council at all times).

1.4 Where the Council suspend, revoke or refuse to renew this Licence the Licensee shall on demand return the badge to the Council.

#### 2. Driver requirements

2.1 The Licensee shall not while driving or in charge of a Private Hire Vehicle:-

- a) tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle; or
- b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle; or
- c) offer that vehicle for immediate hire whilst the vehicle is on a road or other public place; or
- d) accept any offer for the immediate hire of that vehicle whilst the Licensee of that vehicle is on a road or other public place except where such offer is first communicated to the Licensee by a Licensed Operator by telephone or by radio or such other equipment fitted to that vehicle as may be specifically approved in writing by the Council.
- e) in this Condition "Road" includes any highway and any other road to which the public has access and includes bridges over which a road passes.

2.2 The Licensee shall not permit or cause or suffer to be conveyed in a Private Hire Vehicle a greater number of persons from that specified in the Licence issued in respect of that Private Hire Vehicle.

2.3 The Licensee shall not without reasonable cause, unnecessarily prolong, in distance or in time, a journey for which the Private Hire Vehicle he or she is driving has been hired.

2.4 Condition 2.4 is made without prejudice to the provisions of Section 25 of the Road Traffic Act 1972:

- a) If the driver of a licensed vehicle is not the proprietor of the Private Hire Vehicle he or she is driving or is in charge of when the vehicle is involved in an accident he or she shall report or cause to be reported to the proprietor of that vehicle details of the accident in which the vehicle has been involved as soon as possible after the occurrence of the accident.

- b) The Licensee shall report to the Council as soon as practicable, but in any event within 72 hours after the occurrence of the accident, any accident in which he or she is involved whilst driving or in charge of a Private Hire Vehicle irrespective of the extent to which the vehicle is physically damaged.

2.5 The Licensee shall, if any property is accidentally left in a Private Hire Vehicle driven by him or her or by any

person who may have been conveyed in the vehicle be found by or handed to him or her, carry it within 24 hours, if not sooner claimed by or on behalf of its owner, to the St Albans Police Station, Victoria Street, St Albans and leave it in the custody of the officer in charge of the office on his or her receiving a receipt for it.

2.6 The Licensee must inform the Council in writing within seven days of any motoring or other criminal conviction which has occurred since the grant or renewal of this Licence.

2.7 The Licensee when driving a Private Hire Vehicle so constructed as to carry luggage shall carry a reasonable quantity of luggage in the vehicle if requested to do so by any person who has hired the vehicle and shall assist in stowage or removal of that luggage from the vehicle as the case may be.

2.8 The Licensee shall conduct himself or herself towards any person who has hired the Private Hire Vehicle he or she is driving and any other person conveyed in such vehicle in an orderly, seemly and courteous manner and shall take all reasonable precautions for the safety of persons conveyed in such vehicle.

2.9 If the Licensee has knowingly conveyed in a Private Hire Vehicle a dead body of any person he/she shall immediately thereafter notify the facts to the Council's Licensing Department.

2.10 The Licensee shall ensure that he/she is employed or otherwise engaged as a Private Hire Driver by an Operator who holds a current valid Operator's Licence.

2.11 The Licensee must not attend at/or near any public premises in order to wait for passengers. This does not affect pre-booked passengers where there is an entry in a booking record, with a Private Hire Operator licensed by St Albans District Council, prior to the journey taking place.

2.12 The Licensee must not sound their horns outside any premises where they have been sent for a fare, irrespective of the hours of the day.

2.13 The Licensee must not use a handheld mobile phone without a suitable handsfree connection, whilst the vehicle is in motion.

2.14 The Licensee whilst working for a Private Hire Operator must carry proof of Private Hire insurance for that vehicle and must produce on demand to an Authorised Officer of St Albans District Council or a Police Constable an appropriate insurance certificate or cover note.

2.15 The Licensee must carry on request any assistance animal such as a guide dog. No additional charge should be made for the assistance dog.

### 3. Taximeters

3.1 When the Licensee is driving a Private Hire Vehicle equipped with a taximeter they shall –

a) when the vehicle is not hired keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter;

b) at the commencement of the journey when the vehicle is hired by distance bring the machinery of the taximeter into action so that the word "Hired" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

c) be entitled to demand and take for the hire of the vehicle by distance the rate of fare indicated in the statement displayed inside the vehicle in accordance with Condition 6.4 of the Council's Standard Conditions for a Private Hire Vehicle Licence, provided always that the Licensee shall not take or demand a fare greater than that shown

on the face of the taximeter;

d) ensure that during the time the vehicle is hired by distance the recording of the taximeter is plainly visible to any person travelling in the vehicle and is properly illuminated; and

e) not wilfully or negligently cause or suffer the letters or figures in the statement displayed inside the vehicle in accordance with Condition 6.4 of the Council's Standard Conditions for a Private Hire Vehicle Licence to be concealed or rendered illegible at any time while the vehicle is hired.

3.2 The Licensee shall not tamper with or permit any person to tamper with the taximeter or the fittings thereof or seals affixed thereto with which any Private Hire Vehicle in his or her charge is equipped.

### 4. Medical fitness requirements

4.1 The Licensee shall notify the Council within 72 hours of any medical condition that could affect the Licensee's fitness to drive a Private Hire Vehicle.

4.2 A medical certificate confirming the Licensee's fitness to drive a Private Hire Vehicle shall be produced within seven days of the request of the Council for such certificate.

4.3 If the Licensee has reached the age of 70 years he/she shall produce a medical certificate to the Council on the Renewal/Grant of his/her licence each year.

4.4 All medical checks must be undertaken at the practice where the applicant is registered.

### 5. General Requirements

5.1 The Council reserves the right to vary, delete or waive any of the foregoing conditions.

The common Seal of the Council of the District of St Albans Was hereunto affixed this 27<sup>th</sup> day of May 1977 In the presence of Mayor, John Dymoke, Chief Executive Officer, R.H. Braddon

The Secretary of State this day confirmed the foregoing bylaw and fixed a date on which it is to come into operation as the 1<sup>st</sup> day of August 1977. RFD Shuffrey (Signed by the authority of the Secretary of State Home Office 22.7.77)  
Assistant Under-Secretary of State

This information can be made available in other formats. If you require a copy in large print, on tape or in a language other than English, please contact Licensing on 01727 819541.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share the information with other bodies responsible for auditing or administering public funds for these purposes. For further information see the Data Protection Page on [www.stalbans.gov.uk](http://www.stalbans.gov.uk).

## Equality Act 2010

### Are you a taxi or private hire vehicle driver?

There are some changes in the law which will come into effect in October 2010 which might affect you.

The Equality Act, which was passed earlier this year, includes some provisions relating specifically to taxis and private hire vehicles (PHVs) and disability.

Certain parts of the Act do not become law until the Government makes commencement orders to bring each part of it into force. The Government intends to bring into force several parts of the Act in October 2010, including some, but not all, of the provisions that are specific to taxis and PHVs. Other provisions will come into force later – but not before April 2011.

This note describes what will happen in October in relation to those parts of the Act that are specific to taxis and PHVs, and what the implications will be for taxi and PHV drivers.

This note focuses on the implications for the taxi and PHV trades of the October provisions. A separate note has been prepared for licensing authorities.

#### **Duties on drivers to assist passengers in wheelchairs.**

The Equality Act is due to place duties on the drivers of designated wheelchair accessible taxis and PHVs to provide physical assistance to passengers in wheelchairs. A further announcement will be made on when the duties will come into force, but it will not be before April 2011.

The duties will apply to the driver of any wheelchair accessible taxi or PHV which is on the licensing authority's list of "designated vehicles".

St Albans Council will be maintaining a list of designated vehicles and therefore the following duties will apply to you.

Before the duties are brought into force, any drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance can apply for an exemption from the duties to offer assistance.

The opportunity to apply for exemptions starts on 1 October.

#### **What do I need to do?**

If you are the driver of a wheelchair accessible taxi or PHV, the first thing you need to do is establish whether your licensing authority intends to keep a list of designated vehicles. We are encouraging licensing authorities to make their decision known to drivers and perhaps establish a "shadow" list as soon as possible.

If your licensing authority does intend to maintain a list of designated vehicles, and your wheelchair accessible vehicle is to be included on the list, you will be required to carry out the duties to assist wheelchair users.

#### **What are the duties?**

The duties being placed on the drivers of designated wheelchair accessible taxis and PHVs are:

- to carry the passenger while in a wheelchair
- not to make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

#### **What does mobility assistance mean?**

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance.

If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle.

If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle.

The driver must also offer to load the passenger's luggage into and out of the vehicle.

#### **What if my licensing authority does not intend to keep a list of designated vehicles?**

If a licensing authority does not intend to maintain a list of designated vehicles then the duties will not apply; the duties only apply to drivers of vehicles which are on the licensing authority's list of designated vehicles.

#### **What if I have a back condition which makes it impossible for me to help a passenger in a wheelchair get into a cab?**

The new Act allows for exemptions from the duties on medical grounds or if the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with those duties.

It is the responsibility of drivers who require an exemption to apply for one from their licensing authority before the duties come into force; they will have at least six months to go through this process.

#### **Who decides if a driver is exempt?**

The local licensing authority decides if a driver should be exempt from the duties.

#### **What if the licensing authority says that I am ok to carry out the duties and I disagree?**

The legislation allows a driver to appeal to the magistrates' court within 28 days if the licensing authority decides not to issue an exemption certificate.

#### **How will passengers know that I am exempt from the duties to assist passengers?**

The Department will be printing and issuing to licensing authorities special Exemption Notices which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from duties.

#### **When will the duties come into force?**

A further announcement will be made about when the actual duties to assist will come into force, but it will not be before April 2011.

Drivers with a medical condition that prevents them from carrying out the duties will be able to apply to their licensing authority for an exemption from October 2010, before the duties come into force.

#### **Guide Dogs**

The other thing that will happen on the 1<sup>st</sup> of October is that the duties placed on taxi and PHV drivers and on PHV operators to carry guide dogs and other assistance dogs will transfer from the Disability Discrimination Act 1995 to the Equality Act 2010.

In practice, the duties will remain exactly the same as they are now.

Any person who is currently exempt from the duty to carry an assistance dog on medical grounds will continue to be exempt.

That is because we have made a change in the law so that all existing exemption certificates and all existing exemption notices remain in force as though they had been made under the Equality Act 2010.

#### **Will I have to take a different approach to the carriage of guide dogs from 1 October?**

No. The change is a purely technical one; the duties to carry guide dogs and other assistance dogs will not change at all.

#### **I have an exemption certificate which says that it was issued under the Disability Discrimination Act 1995 – do I have to get a new one?**

No, you do not have to get a new certificate, the certificate which you have been granted remains valid until its expiry date.

#### **I have a special notice in my taxi/PHV which says that I am exempt from carrying guide dogs and mentions the Disability Discrimination Act 1995 – do I need to get a new one?**

No, you do not have to get a new exemption notice; the notice which was provided by the licensing authority remains valid until its expiry date.

# Policy on the Relevance of Convictions and Cautions

## Consideration of the Grant, Renewal, Suspension or Revocation of Hackney Carriage and Private Hire Driver's Licences, Vehicle Operators and Vehicle Proprietors

### Definitions

Appeal	A means by which a decision under delegated authority can be reviewed by the Magistrates Court or the Crown Court. The decision of the Council may be upheld or overturned.
Conviction	Judicially determining that someone is guilty of a crime
Free of convictions	This means a period since your last conviction in which you remain free of any further convictions
Fit and Proper Person	A person who is of no threat to the general public, has a good city knowledge, is healthy, has a good character (including driving record) and is therefore deemed fit and able to hold a licence.
Hackney Carriages	A vehicle that can carry passengers for hire or reward, can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a vehicle available for public hire.
Mitigating Circumstances	The circumstances surrounding a conviction. These may alter the seriousness of a crime.
Private Hire Vehicles	A vehicle which must be pre-booked with a private hire operator. This type of vehicle cannot stand in a rank or ply for hire.
Proprietor	The person in possession of a vehicle which is the subject of a hiring agreement or hire purchase agreement
Operator	This means a business that makes provision for the invitation or acceptance of bookings for a private hire vehicle.
Refuse	To decide not to give something
	<b>Within this Policy any reference to refusal will also be a reference to revocation or suspension.</b>
Revoke	To take something away permanently.
Suspend	To take something away temporarily.
Written Warning	A letter advising that although a conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence.
Verbal Warning	Verbally advising that although a conviction was not serious enough to have warranted a written warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence

### Introduction to the Guidelines Relating to the Relevance of Convictions

#### Powers and Duties

The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (as amended), Road Safety Act 2006 (Sections 52-53) places on St Albans City & District Council (the "Authority") the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0. However, Hackney carriage and private hire drivers are listed as regulated occupations within the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No2) 2002. No conviction is categorised as spent under this Order.

All categories that criminal offences fall into are deemed to be relevant to the role of a private hire and hackney carriage driver.

Therefore we take into account all convictions when considering an application for a driver's licence, irrespective of offence, sentence imposed or age when the offence is committed. ALL motoring and criminal offences must be declared on the application form.

#### Background

Taxis and private hire have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal hours" of operation such as in the evenings or on Sundays), or those with mobility difficulties.

The hackney carriage/private hire vehicles play an integral part in the dispersal of people to support the night time economy.

#### Best Practice Guidance

In formulating this policy, advice contained in the Taxi And Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport has been taken into account.

## Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document.

**Notwithstanding the existence of this policy, each application will be considered on its own merits.**

**Where it is necessary for the Authority to depart substantially from its policy, clear and compelling reasons will be given for doing so. The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing hackney carriage and private hire vehicle driver's, operator's and proprietor's licences.**

The aim of the licensing regime to which these guidelines relate is not to punish the applicant twice for an offence (which includes a conviction or caution), but to ensure that public safety is not compromised.

The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers.

These guidelines will be taken into account by the Licensing Officers when dealing with new applications as well as renewal applications for an existing private hire/hackney carriage driver's licence, private hire/hackney carriage vehicle licence, and a private hire operators licence, and also, when considering whether to suspend or revoke an existing licence.

## Suitability

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

## Convictions

The Licensing Officer is required to look at any past indicators (convictions, including formal cautions, fixed penalties, speeding offences, etc) that may affect a person's suitability to hold a hackney carriage/private hire driver's licence and consider the possible implications of granting such a licence to that person.

The imposition of a fixed penalty in place of a prosecution under any enactment may be considered a relevant indicator of suitability.

In addition, applicants must disclose any recent formal cautions they have received and any pending matters.

The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

Formal cautions are included under the definition of 'convictions' and they will also be taken into consideration. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence. The Licensing Officer should bear in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences of an anti social nature, including behaviour likely to cause harassment, alarm or distress to others, drunk and disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. This will be viewed in an appropriate light given the nature of the offence.

The Licensing Officer may refer to the Rehabilitation of Offenders Act 1974 as part of their assessment of the convictions. A summary of the Act is provided at Appendix 1.0. The fact that a conviction is not yet

spent under the Act may be relevant in the determination. However, the Exemption Order means that for all practical purposes, it is as if the Rehabilitation of Offenders Act had never been passed for taxi drivers. Therefore Licensing Officers may disregard the Act if they consider it necessary in a particular case.

If a Court has found as a matter of fact that a person has committed an offence, that person cannot then say to the Licensing Officer that he / she did not commit the offence; and if they seek to do so, their representations will not be taken into consideration. The applicant can, however, explain any mitigating factors that led to them committing the offence and the Licensing Officer can take these into account in deciding whether the applicant is a fit and proper person to hold or be granted a licence.

## A "Fit and Proper Person"

When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind for example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, foreign visitors and unaccompanied property.

Some areas give rise to particular concern, including -

- **Honesty and trustworthiness** – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust. *For example, any passenger would expect to be charged the correct fare for a journey and then be given the correct change; they would also expect a driver to hand in any article left by a passenger in a vehicle; and also to maintain confidentiality between driver and passenger.*
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- **A good and safe driver** – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.

A person who has committed an offence and has to wait a period of time before being accepted as a Hackney Carriage or Private Hire driver is more likely to value his/her licence and act accordingly.

## Protecting the Public

The over-riding consideration for the Licensing Officer is to protect the public. Having considered and applied the appropriate guidelines, the Licensing Officer will determine **each case on its own merits.**

## History

The Licensing Officer may take into account a person's history whilst holding a licence, from this or any other authority. The Licensing Officer may take into account, in deciding whether a person is a fit and proper person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, also their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

## Driving Offences

Private hire and hackney carriage drivers are considered professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or in the manner of their driving.

Convictions for traffic offences should not necessarily prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, an application may be refused.

Conviction in this instance includes the imposition of a fixed penalty in place of a prosecution under any enactment.

We consider 'death by careless driving' or 'death by dangerous driving' to be an offence of violence and you should therefore refer to the **Violence** section on page 13

For information on alcohol and drug related offences see **Drunkenness & Drugs** sections on pages 10 & 11

#### **5 or less penalty points**

For 5 or fewer points on an applicant's driving licence, a licence will usually be granted, with a verbal warning.

#### **6 or more penalty points**

Where any applicant has 6 or more penalty points on their driving licence the Licensing Officer will usually consider granting the licence with a written warning unless exceptional circumstances justify a refusal.

#### **Major traffic offences**

E.g. dangerous driving, drive whilst disqualified, fail to stop after an accident, using a handheld mobile telephone whilst driving, no insurance, careless driving, using vehicle with defective brakes/tyres/steering wheel etc.

If the applicant has been convicted of one isolated major traffic offence a **period of 12 months** free of convictions will usually be expected prior to consideration of grant.

If the applicant has been convicted of two or more major traffic offences then a licence will not normally be granted until the applicant has completed at least a **period of 2 years** free from conviction. This period may increase where the combination of offences are considered to increase the risk to the public.

#### **"Totting Up" under S35 Road Traffic Offenders Act 1988**

Where an applicant has been disqualified under the "totting up" procedures, the Licensing Officers will normally consider refusal until there has been a **period of 12 months** free of relevant convictions.

If an applicant has agreed "exceptional hardship" and avoided disqualification, refusal will still be considered and a **period of 12 months** free of relevant convictions required.

#### **Motor Insurance Offences**

An isolated incident in the past should not necessarily bar an applicant from being issued a licence, however, the Council takes a serious view of motor insurance offences.

More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence. In this instance, at **least 3 years** after restoration of the DVLA driving licence should elapse before an applicant, who has been disqualified from driving for insurance offences is considered for a hackney carriage or private hire licence.

#### **Drunkenness**

This section has been divided into two separate sections; drink driving with a motor vehicle and drunkenness without a motor vehicle.

##### **a) With a Motor Vehicle**

The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will normally require a period of between 3 and 5 free of conviction or a period of 3 to 5 years since the restoration of their DVLA licence, whichever is the later, before being considered for a licence.

More than one incident would raise grave doubts as to the future behaviour and the applicant's fitness to hold a licence.

##### **b) Without a Motor Vehicle**

An isolated conviction for drunkenness not associated with a motor vehicle will not normally result in an application being refused.

Where there is an isolated conviction or fixed penalty notice for disorder and/or drunkenness a licence will normally be granted but a verbal warning as to future conduct maybe issued.

More than three convictions or fixed penalty notices for disorder and/or drunkenness may lead to refusal, save in exceptional circumstances. A period of **between 2 and 3 years** free of convictions would normally be expected.

#### **Drug Offences**

A serious view is taken of any drug related offence. An applicant with a conviction for a drug related offence (including the supply or trafficking of drugs) would be required to show a **period of between 5 and 10 years** free of convictions, before an application is considered. The length of period required will depend on factors such as the type of offence, the severity of the offence and the length of sentence if imprisoned.

#### **Sexual Offences**

As hackney carriage and private hire drivers often carry unaccompanied passengers, any applicants with convictions, or cautions, for any sexual offence, will normally be refused a licence until they can show a substantial period (**usually between 7 and 12 years**) free from conviction.

Licence holders should also be aware that if the Licensing Authority receives notification from the police that a driver is being investigated for a sexual offence, their licence may be suspended immediately pending the outcome of the investigation.

Offences of Rape, Indecent Assault, Gross Indecency, Buggery, or Indecent Assault on a child will always be considered serious offences, and it is likely that the application will be refused save for exceptional circumstances.

#### **Violence**

As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be taken seriously by the Licensing Officer.

An application will normally be refused or existing licence revoked where the applicant has received a conviction for Murder, Manslaughter, or Causing Death by Careless or Dangerous Driving regardless of the period of time lapsed after the date of conviction.

An application will normally be refused where the applicant has a conviction for a violent offence other than above until there is a **period of between 5 and 10 years** free of convictions:

Offences of criminal damage and public order will be treated as violent offences. For serious offences (including Arson) the Council will normally expect an applicant to be free of convictions for between **5 and 10 years** prior to the date of application. For minor offences the Council will normally expect an applicant to be free of convictions for at least 5 years prior to the date of application.

#### **More than one offence**

If an applicant has a history of violence (three or more convictions of any type of violence) their application will normally be refused, or in the case of an existing driver their licence will be revoked.

#### **Possession of a Weapon**

If an applicant has been convicted of possession of a weapon or any other weapon-related offence, this will cause serious concern as to whether this person is fit and proper to hold such a licence. The Licensing Officer will normally refuse the application.

#### **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, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken of any convictions involving dishonesty.

Where an applicant has been convicted of a dishonesty offence a **period of 5 to 10 years** free from convictions will be expected before the application will be considered.

### Complaints Against Drivers

Complaints are frequently made against hackney carriage and private hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be investigated and dealt with by the Licensing Officer, and if the complaint is serious enough, the applicant may be invited to make representations. At the Officer's discretion the applicant may be requested to attend an interview.

The Licensing Officer will consider the conduct of licence holders, taking into account the circumstances surrounding any alleged incident, and the realities of the profession, where drivers are often the subject of unwarranted abuse from members of the public.

The Licensing Officer will consider the history of all complaints made against the driver to assess any patterns. If a pattern is identified, then the Officer will consider whether the driver is fit and proper person to hold such a licence.

### Conclusion

### Appendices

#### Appendix 1.0

#### Table of Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain lapse of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note that it is from **the date of conviction** that the time commences for the Rehabilitation of Offenders Act.

#### Adult

	Sentence	Rehabilitation Period
1.	2 ½ years (30 months) imprisonment and over whether sentence was suspended or not	Never spent
2.	6 months imprisonment/youth custody and over but under 30 months whether sentence was suspended or not	10 years
3.	Under 6 months imprisonment/youth custody whether sentence was suspended or not	7 years
4.	A Fine, Compensation or Community Service Order	5 years
5.	Conditional Discharge, Bound Over or Probation Order. (Also includes Fit Person, Supervision and Care Orders)	1 year or period of probation sentence, whichever is longer
6.	Absolute Discharge	6 months
7.	Disqualification, disability or prohibition	Period of sentence unless a longer period as above (e.g. disqualification and a fine – 5 years)
8.	Remand Home/Approval School/ Attendance Centre Orders	1 year after Order expires
9.	Hospital Order Under Mental Health Acts	The period of the Order plus a further 2 years after Order expires (with a minimum of 5 years from the date of the conviction)

#### Youths

For applicants aged under 17 when the date of conviction took place 2, 3 and 4 above of the fixed rehabilitation periods are halved.

Sentences which can only be passed on young offenders remain **fixed** and cannot be halved, i.e.

	Sentence	Rehabilitation Period
10.	Borstal	7 years
11.	6 months – 2 ½ years detention in a place determined by the Secretary of State	5 years
12.	6 months detention and less as above	3 years
13.	Detention Centre Orders	3 years

The period of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. **The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.**

Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a hackney carriage or private hire licence.

A person who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted, is more likely to value their licence and act accordingly.

However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence. It is this Council's policy to consider the safety, protection and well being of the general public by ensuring all licensed drivers are safe and competent drivers and are able to maintain their vehicles to an acceptable standard.

The main purpose of the Licensing Officer's assessment is to ensure the public safety; not to punish or financially penalise licence holders.

By applying these guidelines, the Council is seeking to maintain the high standard of quality of hackney carriage and private hire drivers, operators and proprietors in the District, which in turn maintains the good reputation of the taxi industry and the high quality of service to the travelling public.

Any applicant refused a licence on the grounds that the Licensing Officer is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or revoked and disagrees with that decision, has a right of appeal by way of written complaint, to the Magistrates' Court within **21 days of the notice of decision.**

Renewing Licence - Badge no.: \_\_\_\_\_

**Application to Grant/Renew A  
Hackney Carriage/Private Hire Driver's Licence**

**Please answer ALL the questions below failure to do so will result in the application being returned. Use BLOCK CAPITALS.**

- 1) I am applying to: **grant / renew** (please delete as applicable) my/a: **private hire / hackney carriage** (please delete as applicable) driver licence
- 2) Name: \_\_\_\_\_
- 3) Date of birth (dd/mm/yy): \_\_\_\_\_ 4) National Insurance No.: \_\_\_\_\_
- 5) Present address: \_\_\_\_\_  
\_\_\_\_\_
- 6) Email address: \_\_\_\_\_
- 7) Telephone number: \_\_\_\_\_
- 8) Name and address of operator: \_\_\_\_\_
- 9) Have you been licensed to drive for more than 12 months? Yes / No
- 10) Has your driver's licence ever been suspended/revoked/endorsed for any offence in the last 3 years? Yes / No If **Yes** please give details and dates: \_\_\_\_\_  
\_\_\_\_\_
- 11) Have you ever been convicted, or are any proceedings pending for any offence (including spent offences, cautions, reprimands & warnings)? Yes / No  
If **Yes** give dates and particulars: \_\_\_\_\_  
\_\_\_\_\_

Answer this question only if you are a **new** applicant:

12) What evidence are you providing to show you are competent in written and oral comprehension of the English Language i.e. GCSE English: \_\_\_\_\_

13) What evidence are you providing to show that you have full (unrestricted) entitlement to work in the UK:  
\_\_\_\_\_

I, the undersigned, hereby apply for a licence to act as driver of Hackney Carriage/Private Hire Vehicles under the authority of St. Albans District Council, and I declare that to the best of my knowledge and belief the foregoing statements are true and correct, and I give you my permission to check the information I have given with other sections within the Council and other Councils. I have read, understood and agree to abide by all relevant legislation contained within the guidance document in regard to being a licensed driver within the district of St Albans.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Copy of conditions applying to driver's of Private Hire/Hackney Carriage vehicles as attached

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share the information with other bodies responsible for auditing or administering public funds for these purposes.

For further information see the Data Protection Page on [www.stalbans.gov.uk](http://www.stalbans.gov.uk).

<b>For Office Use Only</b>				
	HC	PH	Date	Receipt No.
£200 / £250 Licence fee receipt number Over 70yrs: £32 / £37 (Pro-rata charge 67-70yrs)	2999 9001 877	2999 9001 922		
£10 Badge fee receipt number	2999 9001 884	2999 9001 947		
£5.50 DVLA check fee receipt number	2999 9000 187	2999 9000 187		
£42 CRB	2999 9001 979	2999 9001 979		

£30 Disability Awareness Course	2999 9001 877	2999 9001 922		
Knowledge test (£95 first attempt, £64 retakes)	2999 9001 891	£95		
	2999 9001 891	£64		
	2999 9001 891	£64		
	2999 9001 891	£64		
	2999 9001 891	£64		

	Resident	Non-resident
Total fees for renewing driver licence	£257.50	£307.50
Total fees for new applicant for drivers licence	£382.50	£432.50
Over 70 yrs with CRB & DVLA check	£89.50	£94.50
Over 70yrs application and badge fees only	£42.00	£47.00

CRB	Ref:	Date:	Trace? Yes / No
2 x passport size photographs supplied		Yes / No	
DVLA	Date:	Endorsements? Yes / No	
Medical certificate		Date:	
Entitled to work in the UK	Yes / No	Documents seen: (Passport, Visa)	

<b>New Applicants:</b> Attended DAC or evidence provided of similar course	
<b>New Applicants:</b> Passed knowledge test	
<b>New Applicants:</b> Evidence understands English	

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**For further information see the Data Protection Page on [www.stalbans.gov.uk](http://www.stalbans.gov.uk).**

**St Albans District Council**  
**Medical Certificate Associated With Application For A Licence To Drive A Hackney Carriage or Private Hire Vehicle**

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Badge number (if applicable): \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Please return directly to St Albans District Council's Licensing Authority (address at the bottom of this form) **DO NOT** return to applicant.

**Note (1)** This certificate is for the confidential use of the Licensing Authority. Any fee charged is payable direct by the applicant to the medical practitioner.

**Note (2)** The standard of acuity of vision is considered unsatisfactory if it is below 6/12 with one eye and 6/36 with the other eye, with or without optical aid.

**Note (3)** Special attention is directed to the condition of the arms, hands, legs and feet and particularly to the joints of the upper and lower extremities.

**Note (4)** A licensee is examined every: 21-60 every 6 years; 60-70 every 3 years; 70+ annually

		<b>Reply to be written in this space</b>
1.	Is the applicant registered at your practice?	Yes / No <i>If the answer to the above question is 'No', you may not complete this certificate.</i>
2.	Is this applicant to the best of your judgement, subject to epilepsy, vertigo, sudden attacks of disabling giddiness or fainting or any mental disorder or defect likely to affect his/her efficiency as a driver of a Hackney carriage or Private Hire Vehicle.	Yes / No
3.	Does he/she suffer from any heart or lung disorder or defect which might interfere with the efficient performance of his/her duties as a Hackney Carriage or Private Hire driver?	Yes / No
4.	Are the blood pressure readings – both Systolic and Diastolic – normal, having regard to the applicant's age?	Yes / No If the answer is No, go to question 4.b
	4.b If not, do you consider that the abnormal blood pressure would be likely to affect his/her competence as a Hackney Carriage or Private Hire Vehicle driver?	Yes / No
5.	Is there any defect of vision? If so, please give details (see note 2 above).	Yes / No If the answer is Yes, go to question 5.b
	5.b Give acuity of vision by Snellens Test Type with and without glasses and answer the following:	
	i Was the test conducted with the applicant's own glasses or:	Yes / No
	ii Have suitable glasses been prescribed?	Yes / No
	iii Do you consider that the applicant should wear glasses when driving?	Yes / No
	iv Is the applicant's field of vision by hand test satisfactory?	Yes / No
	v Is the colour vision normal?	Yes / No

		Reply to be written in this space
	vi	Does the applicant suffer from a squint or any other visual defect, which could affect his/her fitness to drive a motor vehicle?
	vii	Could any visual defect observed be sufficiently corrected to make the applicant fit to drive a motor vehicle?
6.	Is there any defect of hearing?	
	6.b	If so, do you consider that it would interfere with the efficient performance of the applicant's duties as a Hackney Carriage or Private Hire Vehicle driver?
7.	Does the applicant have any deformity or loss of limbs?	
	7.b	If so, could it interfere with the efficient performance of the applicant's duties as a Hackney Carriage or Private Hire Vehicle driver? (See Note 3 above)
8.	Is the applicant sufficiently active for the performance of his/her duties?	
9.	Does the applicant show any evidence of being addicted to the excessive use of alcohol, tobacco or drugs?	
10.	In your opinion, is the applicant generally fit as regards to the following for the duties of a Hackney Carriage or Private Hire Vehicle driver:	
	i	Bodily health
	ii	Temperament
11.	Is there any abnormality present that is not included in the above questions?	
12.	Do you consider that the applicant should be re-examined sooner than would normally happen? (21-60 every 6 years; 60-70 every 3 years; 70+ annually)	
	12.b	If so, in what period of time?
13.	Do you consider the applicant fit to act as a driver of a Hackney Carriage or Private Hire vehicle	

**RETURN TO:** Licensing Officer, Licensing Section, Environment and Health Department, St. Albans District Council, Civic Centre, St. Peters Street, St. Albans AL1 3JE

The answers to the foregoing questions are correct to the best of my knowledge and belief.

Signature of qualified and registered Medical Practitioner: \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_