

## APPENDIX 2

### Table of proposed amendments to Private Hire and Hackney Carriage Licencing Policy

<b>SECTION 1 - INTRODUCTION</b>		
Para.	Revision	Source
Introduction	Reference to tax conditionality added	New legal requirement
2.	Paragraph reworded	N/A
6.	“promoting the welfare of children” added	Statutory Standards
6. a)	“promoting the welfare of children” added	Statutory Standards
6. b)	Reference to checking criminal records of all applicants added	Statutory Standards
6. e)	Promoting the vision of Middlesbrough amended to reflect policy statement	Council Policy Statement
9.	Reference to checks on tax registration and criminal records of vehicle proprietors added	New legal requirement and Statutory Standards
10.	“on its own merits” added	Statutory Standards
11.	Reference to consideration been given to the guidance from the Institute of Licensing and the adoption of the Statutory Taxi & Private Hire Vehicle Standards recommendations as minimum core standards	Institute of Licensing Statutory Standards
14.	New implementation date for revised policy	N/A
21.	Local business added to list of consultees	N/A
24.	National Anti-Fraud Network added to list of partnership working to reflect current practice	N/A
42, 43	Reference to “vaping” included to no-smoking policy to reflect current terminology	N/A
44.	“County lines exploitation” wording added	Statutory Standards
	Paragraph deleted as deadlines expired for attending the safeguarding training	N/A
47.	Paragraph amended as deadline for producing a policy to the council has expired	N/A
49.	Requirement for operators to have a policy on employing ex-offenders and to carry out fit and proper checks on employees who dispatch vehicles added	Statutory Standards
52.	Wording in respect of the policy on tinted windows in licensed vehicles changed to reflect new policy	New policy adopted following consultation
58 – 68.	New paragraphs explaining Tax Conditionality checks for hackney carriage and private hire drivers and private hire operators added to ensure they are registered for tax purposes	New legal requirement

<b>SECTION 2 VEHICLES – PRIVATE HIRE AND HACKNEY CARRIAGE</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
•	Criminality checks for vehicle proprietors added	Statutory Standards
70.	Wording simplified to require vehicles to have appropriate M1 approval	N/A
	Paragraph explaining vehicle type approval deleted	N/A
72.	Wording changed to require vehicles needing Individual Vehicle Approval	Government guidance
75.	Wording amended to reflect new categories of vehicle insurance “write offs”	Association of British Insurers (ABI)
84.	The wording “to satisfy local demand” added	N/A
116.	Wording amended to reflect new categories of vehicle insurance “write offs”	ABI
120.	“and Appendix D” added to direct applicants to the test criteria used by the council	N/A
122 – 130.	New section on criminality checks on vehicle proprietors added	Statutory Standards
131.	New requirement to provide basic DBS and Certificate of Good Character (if applicable) added to application requirements	Statutory Standards
133.	Additional wording added regarding the provision of an engineer’s report/jig report as deemed necessary for vehicles deemed an insurance write off.	N/A
135; 136.	New paragraphs added recommending vehicle renewal applications be made at least one month before the licence expires to ensure vehicle test dates can be secured and any renewal applications received after 28 days from the licence expiry date will not be accepted and an application for a new vehicle licence will need to be made and when specifications for new vehicle licence complied with.	Advice following court judgement (R (on the application of Exeter City Council) v Sandle
137.	New requirement to provide basic DBS disclosure added to renewal application requirements	Statutory Standards
	Paragraph deleted re renewal timescale as recommendation now included in new paragraph above	N/A
143; 144.	New paragraph added requiring proprietors who are companies or partnerships to notify the council of any changes within 7 days and for new directors or partners to submit a basic DBS disclosure and Certificate of Good Character where applicable	Statutory Standard

<b>Para.</b>	<b>Revision</b>	<b>Source</b>
147.	Requirement to produce a basic DBS disclosure and Certificate of good Character added to process	Statutory Standards
150.	New paragraph added regarding seating in stretched limousines	Best Practice Guidance
	Paragraph re tinted window exemption deleted as no longer applicable following introduction of new policy	Council approved policy change
166.	New policy on tinted windows defined	Council approved policy change
169.	Wording amended to ensure compliance with any guidance re CCTV from the Information Commissioners Office and the Home Office and new sentence added requiring information that CCTV is in a vehicle must be provided on booking systems.	Statutory Standards
181.	Age policy for new vehicle applications changed from 3 to 5 years and termination period from 8 to 10 years and 10 to 12 years for London Style cabs and side loading wheelchair accessible vehicles New statistics provided on numbers of vehicles meeting the different European Emission Standards	Council approved policy change  N/A
	Paragraph on air quality standards concerns deleted as the results were disproved by the Council	N/A

<b>SECTION 3 DRIVERS</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
•	Tax conditionality added to the contents list	New legal requirement
195.	Registration for tax and immigration status added to the “fit and proper” test criteria.	Statutory Standards
198.	Added wording to explain that in determining the fit and proper test the onus is on the applicant to provide evidence that they are and not for the council to prove that they are not	N/A
202.	Proof of eligibility for drivers amended to remove the need for a driving assessment and to include the new requirement for registration for tax	N/A New legal requirement
204.	The requirement for new applicants to have passed an approved driving assessment has been removed	N/A
205.	Checking an applicant’s immigration status and right to work has been updated to include the use of a share code from the online View and Prove Service on Gov.UK	Government guidelines

<b>Para.</b>	<b>Revision</b>	<b>Source</b>
211.	Additional paragraph added to explain the use of the new online View and Prove service on GOV.UK to generate a right to work share code to enable the council to access the online immigration checking service to verify the types of work the applicant is able to do	Government Guidelines
214.	Knowledge of highway code removed from the knowledge test and new sentence added that tests for private hire driver's licences will not include a topographical element as it is a requirement that licensed private hire drivers have use of a fully operational sat-nav system (or similar device) in any licensed vehicle they drive at all times	Trade request
220.	Level of spoken English changed to Language Proficiency and written English included, and applicants that cannot demonstrate a reasonable level may be referred to the Licensing Committee	Statutory Standards
230.	Requirement to provide a Certificate of Good Conduct qualified by being resident/domiciled in a country for a period of six months or more	Statutory Standards Institute of Licensing Guidelines
237.	Period of validity of an initial DBS disclosure reduced from 6 months to 1 month before an applicant may be requested to produce a further check	N/A
238.	Medical certification of fitness must be completed by a "registered" medical practitioner i.e. a doctor	DVLA
242.	Medical assessment changed to medical declaration	N/A
256.	Failure to comply with a request for a drug test "without reasonable excuse will result in the revocation of the drivers licence with immediate effect"	Legal advice
257 - 266	New paragraphs added explaining Tax Conditionality and tax check requirements for applicants	New legal requirement
267; 275	Application procedure amended to include: <ul style="list-style-type: none"> <li>• View an Prove Your Immigration Status Service share code</li> <li>• DVLA licence check code</li> <li>• HMRC declaration or tax-check code</li> </ul> and to remove driving assessment certificate	Government guidelines  Legal requirement
277.	Recommendation added that renewal applications be made at least one month before a licence is due to expire as legislation does not allow for continuity of licence	N/A
279.	New provision on the issuing of a short term licence, "without prejudice", when a renewal application is received and there are grounds	N/A

	for concern that delays determination of that application.	
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Para.	Revision	Source
303.	New sentence added that voluntary surrender of a licence will not be accepted when the driver is subject to ongoing legal proceedings, disciplinary hearing or investigation of a complaint	N/A

<b>SECTION 4 • PRIVATE HIRE OPERATORS</b>		
Para.	Revision	Source
•	<ul style="list-style-type: none"> <li>• Register of staff</li> <li>• Policy on employing ex-offenders</li> <li>• Tax conditionality</li> </ul> added to the list of contents	Statutory Standards New legal requirement
309.	New requirement added: “and that the driver has the use of a fully operational sat-nav system (or similar device) at all times.”	Trade request
314.	Wording amended to require assessments of all staff who have contact with the public and/or oversee the dispatching of vehicles and to include production of a basic DBS disclosure	Statutory Standards
315 - 318	New paragraphs added to explain new requirements on operators to keep a register of staff that take bookings or dispatch vehicles and to produce a policy on employing ex-offenders	Statutory Standards
326; 327; 331	Wording amended to require production of a basic DBS disclosure and Certificate of Good Character (when applicable) with new applications and annually thereafter.	Statutory Standards
332.	New paragraph added explaining impact of having a driver licence revoked will not automatically prevent someone from holding an operator’s licence	Statutory Standards
335.	Paragraph deleted as deadline to attend safeguarding training no longer relevant	N/A
336.	New paragraph added informing operators that they cannot pass on their safeguarding obligations if they outsource a booking.	Statutory Standards
343 - 352	New section added explaining the new Tax Conditionality requirements for tax checks	New legal requirement
353.	Application procedure amended to include production of: <ul style="list-style-type: none"> <li>• Basic DBS disclosure</li> </ul>	Statutory Standards New legal requirement

	<ul style="list-style-type: none"> <li>• Certificate of good character</li> <li>• Tax check</li> <li>• Policy on employing ex-offenders</li> </ul>	
354.	Recommendation added that renewal applications be made at least one month before a licence is due to expire as legislation does not allow for continuity of licence	N/A

Para.	Revision	Source
357.	New provision on the issuing of a short term licence, "without prejudice", when a renewal application is received and there are grounds for concern that delays determination of that application.	N/A
374.	Requirement to notify any changes in directors or partners added	Statutory Standards

<b>SECTION 7 • CONVICTIONS, CAUTIONS, AND CHARACTER</b>		
Para.	Revision	Source
•	Vehicle proprietors added to list	Statutory Standards
404.	"that pose no risk to the public and have no links to serious criminal activity" added	Statutory Standards
406 - 410	New paragraphs added explaining reason for checking vehicle proprietors and options available to the council in respect of vehicle licences.	Statutory Standards Legislation
411.	"and safeguarding and promoting the welfare of children and the vulnerable." added	Statutory Standards
413.	Wording amended to include convictions for exploitation, or a crime resulting in the death or intended to cause the death or serious injury of another person, or if they appear on the children and adults barred list, applicants will not be licensed	Statutory Standards
419.	Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime	Institute of Licensing guidance
425; 426.	New paragraphs added on fitness tests for private hire operators and vehicle proprietors	Institute of Licensing guidance
429.	New paragraph added explaining "balance of probability"	Statutory Standards

<b>SECTION 8 - ENFORCEMENT, DISCIPLINE AND OFFENCES</b>		
Para.	Revision	Source

434.	“and to revoke driver licences with immediate effect if it is considered that it is in the interests of public safety.” added	Legal advice
437.	Members of the Licensing Committee required to undertake training added	Statutory Standards
481.	Option to attend Driver Improvement Scheme for existing drivers incurring 9 penalty points for minor traffic offences reduced to 6 points.	Legal advice
489.	Procedure for suspending or revoking a driver with immediate effect updated.	N/A
492; 493	New paragraphs added on procedure for reissuing a licence or lifting of a suspension	Statutory Standards

<b>SECTION 10 - COMPLAINTS PROCEDURE</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
525.	Complaints will be recorded and monitored to identify trends or patterns of behaviour added	Statutory Standards

<b>Appendix A Private Hire and Hackney Carriage Vehicle Specification</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
17.	Revised specification for tinted windows	New policy adopted following consultation
26.	Age limit for new vehicle licence changed from no more than 3 year old to 5 year old	New policy adopted following consultation
27.	Termination age for vehicles extended from 8 years from date of first registration to 10 years for saloon vehicles and from 10 to 12 years for London Style Cabs and side loading wheelchair accessible vehicles	New policy adopted following consultation
61.	Where a tail lift device is fitted it must comply with the Lifting Operations and Lifting Equipment Regulations 1998	Legal requirement

<b>Appendix B Conditions of Private Hire Vehicle Licence</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
6.	Period to notify council of convictions etc. reduced from 7 days to 48 hours	Statutory Standards
8.	New duty to notify any change in directors or partners when applicable within 7 days to enable DBS checks	Statutory Standard

<b>Appendix C Conditions of Hackney Carriage Vehicle Licence</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
7.	Period to notify council of convictions etc. reduced from 7 days to 48 hours	Statutory Standards

9.	New duty to notify any change in directors or partners when applicable within 7 days to enable DBS checks	Statutory Standards
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<b>Appendix D Vehicle Testing Arrangements</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
1.15	Tinted window specification revised	New policy adopted following consultation

<b>Appendix E Private Hire Vehicle Exemption Notice Conditions</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
Additional Conditions	Condition removed as no longer applicable following revision of tinted window specification	New policy adopted following consultation

<b>Appendix F Table of Existing Vehicles by Age</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
	Statistics updated	Records

<b>Appendix G Policy on the Relevance of Convictions etc.</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
Purpose	Use amended to include consideration of an applicant for a private hire or hackney carriage vehicle licence or a private hire operator licence	Statutory Standards
Overriding duty	Amended to ensure private hire operators and vehicle proprietors pose no threat to the public and have no links to organised crime and they are entrusted to ensure vehicles and drivers used to carry passengers are licensed and safe	Statutory Standards
Information	Basic DBS disclosures will be used to determine the suitability of applicants for private hire operator's licences and private hire and hackney carriage vehicle licences added	Statutory Standards
General	Statement amended to include: "A person with a conviction for a crime resulting in death or intention to cause death or serious injury; exploitation (including slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse); or any offence involving or connected with illegal sexual activity will not be licensed."	Statutory Standards



General	Amended to include an applicant who is on the Sex Offenders Register or on any Barred list will not be licensed	Statutory Standards
Minor traffic offences	Applicants with up to 6 valid points may have a licence granted subject to a requirement that they attend a driver improvement course instead of a warning. 7 – 9 points, applicant must show 3 years free from conviction before being considered instead of referral to the Licensing Committee who could grant subject to attending a driver improvement course and issue a severe warning.	Institute of Licensing Guidance Legal advice

Para.	Revision	Source
Minor traffic offences (contd.)	More than 9 points, applicant must show 5 years free from conviction before being considered instead of 12 months.  Significant history of offences or disqualification through totting up procedure, applicant to demonstrate 5 years free from conviction instead of between 1-3 years	
(b) Major traffic offences	Conviction for use of a mobile phone or hand held device – refused until at least 5 years elapsed since conviction or completion of any sentence or driving ban. Currently 4 years,  If applicant has an endorsement for a major traffic offence application refused until at least 5 years have elapsed since conviction or completion of any sentence or driving ban. Currently 4 years.  Endorsements for more than one major traffic offence then this period will be 7 years	Statutory Standards  Legal advice
(c) Alcohol Related Offences	Applicants with a conviction for drink driving must show a period of at least 7 years free from conviction since the completion of any sentence or driving ban. Currently 4 years	Statutory Standards
(d) Drug related offences	Applicants with a conviction for a drug driving offence must show a period of 7 years free from conviction since the completion of any sentence or driving ban imposed. Currently 4 years.  Applicants with an isolated conviction for possession of drugs must show a period of 5	Statutory Standards  Statutory Standards

	<p>years free from conviction since the completion of any sentence imposed. Currently 3 years.</p> <p>If the conviction relates to the supply of controlled drugs or possession with intention to supply or production of controlled drugs the application will be refused until at least 10 years have elapsed since the completion of any sentence. Currently an application will be refused.</p>	Statutory Standards
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Para.	Revision	Source
(f) Violence	Where an applicant has a conviction for an offence of violence against a person, or connected with any offence of violence a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Currently 3 – 10 years depending upon the offence.	Statutory Standards
Possession of a weapon	Where an applicant has a conviction for possession of a weapon or any other weapon related offence a licence will not be granted until at least 7 years free from conviction have elapsed since the completion of any sentence imposed has been added.	Statutory Standards
Discrimination	Where an applicant has a conviction involving or connected with discrimination in any form a licence will not be granted until a period of 7 years free from conviction have elapsed since the completion of any sentence imposed has been added.	Statutory Standards
(g) Dishonesty	Period free from conviction or complaints changed from 5 years to 7 years	Statutory Standards
Immigration	Where a licence holder has been served with an immigration penalty or convicted of an immigration offence the licence will be revoked immediately has been added	Statutory Standards and Home Office Guidance
(h) Licensing offences	Period free from conviction changed from 3 years to 7 years	Institute of Licensing Guidance

<b>Appendix H Conditions of Private Hire Drivers Licence</b>		
Para.	Revision	Source
8.	Convictions, charges arrests etc. to be notified to the Council within 48 hrs instead of 7 days	Statutory Standards

<b>Appendix I Council Policies in respect of Hackney Carriage Drivers</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
8.	Convictions, charges arrests etc. to be notified to the Council within 48 hrs instead of 7 days	Statutory Standards

<b>Appendix K Code of Conduct When working with Vulnerable Passengers</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
•	Warning signs of "County Lines" exploitation added	Statutory Standards

<b>Appendix L Conditions of Private Hire Operator's Licence</b>		
<b>Para.</b>	<b>Revision</b>	<b>Source</b>
1(a).	Ensure that all vehicles and drivers used to fulfil private hire bookings hold appropriate and valid licences added.	Statutory Standards
2.	Requirement to formulate and apply a policy on assessing the suitability of any person taking bookings or dispatching vehicles added.	Statutory Standards
3.	Requirements relating to maintaining a register of all staff responsible for taking bookings and/or dispatching vehicles added.	Statutory Standards
5(c).	Requirement to evidence safeguarding protections are applied by any company to which the operator outsource a booking or dispatch function.	Statutory Standards
6.	Requirement to include name of person(s) who responded to a booking request and dispatched vehicle to booking records added.	Statutory Standards
8.	Use of drugs or alcohol added to list of complaints.	
13.	Convictions, charges arrests etc. to be notified to the Council within 48 hrs instead of 7 days	Statutory Standards
20.	Operator to inform hirer when a PSV is being used that the driver is subject to different checks and is not required to have an enhanced DBS check.	Statutory Standards