

**THE LICENSING AND HEALTH AND SAFETY
ENFORCEMENT SUB-COMMITTEE**

**THURSDAY 1 MARCH 2012
FOLLOWING FULL COMMITTEE**

COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Cllr Conway

Cllr Fantham

Cllr Mrs Green (Vice-Chairman)

Cllr Hearn

Cllr Lawson (Chairman)

Cllr Link

Cllr Sutton

Substitutes: Councillors Bhinder, R Hollinghurst, Mrs Rance and Ryan

(Please note Members may only be appointed as substitutes if they have been trained for Licensing Committee).

For further information, please contact Pauline Bowles, Members Support Officer on Tel: 01442 228221, or Email: Pauline.bowles@dacorum.gov.uk Information about the Council can be found on our website: www.dacorum.gov.uk

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1. INTRODUCTION

2. MINUTES

To confirm the minutes of the meeting of the Licensing, Health and Safety Enforcement Sub-Committee held on 29 November 2011.

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence

4. DECLARATIONS OF INTEREST

To receive any declarations of interest

5. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements and ask questions in accordance with the rules on Public Participation



AGENDA ITEM: 6

SUMMARY

Report for:	Licensing and Health & Safety and Enforcement Sub Committee
Date of meeting:	1 March 2012
PART:	1
If Part II, reason:	

Title of report:	Proposed changes to the medical requirements for Hackney Carriage and Private Hire Drivers.
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Contact:	Kathryn Ashton, Environmental Health, Team Leader, Regulatory Services
Purpose of report:	To advise the Licensing and Health & Safety Enforcement Sub Committee of proposed changes to the requirements for a satisfactory medical policy to be provided in respect of Hackney Carriage and Private Hire Drivers and Applicants.
Recommendations:	That the Licensing and Health and Safety Enforcement Sub Committee consider the proposed changes and approve the recommendations contained within the report.
Financial Implications	n/a
General Policies:	Members of the Licensing Sub Committee act in a quasi-judicial capacity under delegated powers to determine licensing matters on behalf of the Council.
Key Policies:	All of the Council's key policies are relevant to its licensing function. Principal issues include: supporting the local economy; encouraging the provision of leisure facilities for people in Dacorum particularly where measures are taken to combat social exclusion, whilst at the same time minimising the impact (particularly crime disorder and noise) of licensable activities on the environment.

1.0 Background

- 1.1 Section 51 of the Local Government Miscellaneous Provisions Act 1976 requires that a District Council shall on receipt of an application grant that person a licence to drive private hire vehicles unless it is considered that they are not a fit and proper person to hold a licence.
- 1.2 Section 59 of the Local Government Miscellaneous Provisions Act 1976 states that a District Council shall not grant a Hackney Carriage licence unless they are satisfied that the applicant is a fit and proper person to hold a drivers licence.
- 1.2 In order to determine whether a person is a fit and proper person to hold a Private Hire or Hackney Carriage Drivers Licence, a number of checks are carried out. These include a criminal record bureau check, a driving vehicle licensing agency, (DVLA) check and submission of a satisfactory medical report.
- 1.3 All persons applying for a licence are required to provide a satisfactory medical which meets Group 2 entitlement as provided by the DVLA. This is consistent with the majority of Licensing Authorities in the UK. Currently persons applying to hold a licence can obtain this medical report from any GP or practice.

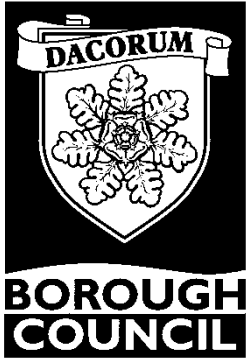
- 1.4 All Hackney Carriage and Private Hire Drivers who have obtained a licence from Dacorum Borough Council are also required to provide a satisfactory medical report which meets Group 2 entitlement in accordance with the DVLA. A satisfactory medical is required upon first licensing and at intervals of 3 years thereafter until their 65th birthday when the requirement is annual.
- 1.5 There are concerns that where individuals choose to seek a satisfactory medical from a General Practitioner other than their own, no access can be obtained to that persons records and therefore should there be any underlying medical condition which may affect the person's ability to act a licensed driver this may go unnoticed. Indeed this has happened over the last few months where a driver obtained a licence with an underlying medical condition which may have affected his ability to obtain a licence and this later resulted in an accident.
- 1.6 The Group 2 requirement is provided by the DVLA however in addition to this, the Council has additional requirements for insulin dependent patients. This requirement was more stringent than the DVLA guidelines. The guidelines are attached as Annex 1.
- 1.7 However, the DVLA guidelines were updated in respect of insulin dependent patients in November 2011 which addresses the majority of matters contained within the Council's Guidelines.

2.0 Proposals

- 2.1 It is recommended that the requirement for a satisfactory medical report to be submitted in order to satisfy the 'fit and proper' test for all applicants and drivers be amended to require that such medical is obtained by the applicant's/driver's own GP or by a medical practitioner who has access to the persons medical records. There is no recommendation to change the intervals for the requirement of such medical report.
- 2.2 It is recommended that the Council's Guidelines in respect of insulin dependent applicants/Drivers be amended as this is now covered by the amended DVLA guidelines for Group 2. The amended Council Guidelines are attached as Annex 2.

3.0 Options available to the Committee

- 3.1 To agree the recommendations contained within 2.1 and 2.2 above;
- 3.2 To agree the recommendations contained within 2.1 and 2.2 above with any appropriate amendments;
- 3.3 To make no changes to existing requirements.



GUIDELINES ON LICENSING INSULIN DEPENDANT DIABETICS AS HACKNEY CARRIAGE OR PRIVATE HIRE DRIVERS

All applications involving individuals with insulin treated diabetes will be dealt with in accordance with the following: -

Applicants for a private hire or taxi driver's licence will be required to:

Satisfy the Licensing Authority that he/she meets the medical requirements, which would allow a private hire/hackney carriage to be issued.

In this regard the applicant will need to provide a medical report from a hospital consultant specialising in diabetes confirming:

- The applicant has been undergoing insulin treatment for over four (4) weeks;
- During the twelve (12) months prior to the date of the licence application, the applicant has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving; and
- The applicant has a history of responsible diabetic control and is at minimal risk of hypoglycaemic attack resulting in incapacity.

The applicant will also be required to submit a signed declaration that:

- He/she will comply with the directions for treatment given to him/her by the Doctor supervising that treatment;
- Immediately report to the Licensing Authority, in writing, any change in diabetic condition; and,
- Provide to the Licensing Authority, as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at time relevant to driving a hackney carriage or private hire vehicle during employment.

On application for renewal of the hackney carriage or private hire driver's licence the applicant will be required to:

Provide a medical report from a hospital consultant specialising in diabetes confirming:

- That during the preceding twelve (12) months the licensee has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving;

And

- The licensee has a history of responsible diabetic control and is at minimal risk of hypoglycaemic attack resulting in incapacity.

Licensees are reminded that the requirements of the declaration signed on the issue of licence remain an obligation.



**GUIDELINES ON LICENSING INSULIN DEPENDENT DIABETICS AS
HACKNEY CARRIAGE OR PRIVATE HIRE DRIVERS**

All applications involving individuals with insulin treated diabetes will be dealt with in accordance with the following: -

First time applicants and renewals for a private hire or hackney carriage driver's licence will be required to:

Satisfy the Licensing Authority that he/she meets the Group 2 DVLA Guidelines in respect of Insulin dependency.

In addition the applicant will need to provide a medical report from a hospital consultant specialising in diabetes confirming:

- The applicant has been undergoing insulin treatment for a minimum of four (4) weeks;

The applicant will also be required to submit a signed declaration that:

- He/she will comply with the directions for treatment given to him/her by the Doctor supervising that treatment;
- Immediately report to the Licensing Authority, in writing, any change in diabetic condition; and,
- Provide to the Licensing Authority, as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at time relevant to driving a hackney carriage or private hire vehicle during employment.

7. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to an individual which would be likely to reveal their identity (Items 8, 9 and 10).

DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE

29 NOVEMBER 2011

Present –

MEMBERS:

Councillor Lawson, (Chairman), Conway, Fantham, Mrs Green, Hearn, Link and Sutton

OFFICERS:

M Brookes (Team Leader – Legal Governance) (Solicitor)
K Ashton (Team Leader – Environmental Health)
N Blessing (Member Support Officer)

Other Persons Present:

None

The meeting began at 7:30 pm

1. INTRODUCTIONS

No introductions were required.

2. MINUTES

Minutes of the meetings held on 1 November 2011 were confirmed by the Members present and signed by the Chairman

3. APOLOGIES FOR ABSENCE

There were no apologies of absence

4. DECLARATIONS OF INTERESTS

No interests were declared

5. PUBLIC PARTICIPATION

There was no participation from the public.

6. APPLICATION TO:

- a. **TRANSFER THE EXISTING SITE LICENCE IN RESPECT OF SCATTERDELLS PARK, CHIPPERFIELD LANE, CHIPPERFIELD; AND**
- b. **THE VARIATION OF SITE LICENCE TO PROVIDE TWO ADDITIONAL UNITS ON SCATTERDELLS PARK, CHIPPERFIELD LANE, CHIPPERFIELD**

The Chairman introduced item 6 to the Sub-Committee and explained that due to the nature of the agenda it was likely that the meeting would be short.

K Ashton informed Members that since the agenda was published M Brookes had spoken with the Applicant and had been forwarded a copy of the lease agreement for the site dated 1st August 2011.

Councillor Fantham aired his frustration at the application.

Councillor Hearn asked if the Sub-Committee was to challenge the application to grant the variation and refuse it would there be further legal costs. The Member was informed that any objection or rejection of the application would involve further legal costs.

K Ashton told the Committee that on 11 November 2011 DBC received an application for the transfer of the site licence from Wyldecrest Properties Limited to Wyldecrest Parks (Management) Limited. At the point of the application K Ashton was not satisfied with the data received from the applicant and this was supported by legal advice from M Brookes. However, further information was then received through the Residents Association, and confirmed by the applicant on the day of the hearing, which showed that Wyldecrest Parks (Management) Limited held a lease for the site. K Ashton explained that the copy of the lease that was produced met the relevant parts of the legislation required.

K Ashton informed the Sub-Committee that following legal advice from M Brookes prior to the meeting it was felt that paragraph ten should be altered so that Section 10(1) of the Caravan Sites and Control Development Act 1960 is used instead of Section 10(4). She informed the Members that the crux of this part of the act allowed for a challenge to the licence if there has been a licence revoked in the last three years in relation to that company. K Ashton informed Members that to the best of her knowledge, Wyldecrest Parks (Management) Limited had not had a licence revoked within the last three years As this has not taken place with this company the Local Authority has no discretion. Section 10(1) states:

“When the holder of a site licence in respect of any land ceases to be the occupier of the land, he may, with the consent of the local authority in whose area the land is situated, transfer the licence to the person who then becomes the occupier of the land.”

K Ashton reminded Members that the original application for variation came to the Sub-Committee on 14 April 2011 for three extra units, which Members rejected. On 24 August 2011, this decision was partially overruled by the Magistrates Court. The Judge granted the expansion of Scatterdells Park by an additional two units

K Ashton brought to the Members attention Annex 1 of the report that was a map of the proposed layout including the extra two units. She explained that the area outlined in red on the Map would be where the recreational space would be with the proposed extra units being either side. The Court ruled that the recreational area should form part of the site licence. The Chairman felt that if the map in Annex 1 had been produced for the original meeting this would have had an impact on the decision made.

Councillor Fantham asked what reason was given for a request for the transfer from the previous company that is now held by a new company. M Brookes said that no specific reason had been given and it was not pertinent to this application. However, there was an application to strike-off Wyldecrest Properties Limited from Companies House and the new company had subsequently been formed, which now held the lease for the site.

The Member then asked if the residents had been in contact with DBC over the proposals. K Ashton informed the Sub-Committee that there had been regular contact with the residents and they were happy with the plans but had concerns over the ownership of the business and the park. The Chairman stated that the ownership was not of relevance to this application. This was supported by M Brookes.

Councillor Green asked about the impact on Car parking and if the residents were satisfied with changes to parking. K Ashton informed the Member that both DBC and the residents were happy with the parking. However, she did state that the Licensing team would be carrying out further inspections on car parking within caravan parks across DBC.

Agreed:

- It was proposed by Councillor Hearn and seconded by Councillor Green that the Sub-Committee confirm the variation to the site licence in accordance with the court order. The Sub-Committee unanimously agreed this recommendation.
- It was proposed by Councillor Conway and seconded by Councillor Link that the Sub-Committee agree to transfer the Licence to Wyldecrest Parks (Management) Limited. The Sub-Committee unanimously agreed this recommendation.

K Ashton sought to clarify that conditions 14 and 15 will be added to the site licence.

Councillor Green asked if there was a need for the additional private hire or hackney carriage policies within the Agenda if there was not an item that was relevant to them. The Chairman informed the Member that where applicable this would not be the case.

Councillor Sutton asked if there were size restrictions on the two additional units. K Ashton informed the Member that the Magistrates Court had not declared a specific size but DBC's policy on site licences did place restrictions. The Member then asked if the residents were happy with this. K Ashton confirmed that they were happy with the plan but did find the Company difficult to deal with.

The Chairman told the Sub-Committee that he had been involved in a meeting prior to the Sub-Committee Meeting tonight where new practices were agreed which should assist the Sub-Committee with any future meeting that involved caravan site licences.

The meeting finished at 7:44 pm

APPENDIX B

PROCEDURE FOR THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE (HACKNEY CARRIAGES)

1. The Chairman will open the proceedings by stating the nature of the matter, which is to be considered, (first application/renewal/suspension/revocation), whether the proceedings concern a vehicle, driver or operator licence, and the name of the applicant or licence holder.
2. The Chairman will introduce himself/herself and the Members of the Committee, the Clerk to the Committee and any other officer present.
3. The Chairman will ask the officers to confirm whether or not the formal requirements in respect of the matter to be considered have been complied with. In the case of a proposed suspension or revocation of licence or a refusal to renew, the Chairman will ask the officers to confirm whether or not the requisite 14 days' prior notice has been served on the licence holder.
4. If satisfied as to the formal requirements the Committee will consider the merits of the application or proposed suspension/revocation and the report of the officers. The Committee may ask the officers for clarification of any points in issue.
5. The Chairman will then invite the applicant or licence holder to make any representations. The applicant or licence holder may make his/her representations personally or through a representative, who shall first identify him/herself.
6. The Chairman and other members of the Committee may ask the applicant or licence holder questions and points of clarification.
7. The applicant or licence holder, his/her representative (if any) and any officer present (with the exception of the Clerk to the Committee) shall withdraw.
8. The members of the Committee consider their decision. If any further clarification or information is required from the applicant or licence holder or any officer, all parties will be recalled.
9. All parties will be recalled for the announcement by the Chairman of the Committee's decision.
10. The Committee's decision will be confirmed in writing by the Solicitor to the Council.
11. At any point in this procedure, the Committee may pass a resolution excluding the press and public from the meeting on the basis that, if they were to remain, there may be disclosure of exempt information (information relating to individuals which is likely to reveal their identities).

GUIDELINES TO BE USED BY THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB COMMITTEE WHEN CONSIDERING THE RELEVANCE OF CONVICTIONS

General

1. Each case will be decided on its own merits.
2. The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so. The Council, will wish to satisfy itself that applicants and licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
3. A person with a current conviction for a serious crime need not be permanently excluded from holding a licence but should be expected to:
 - remain free of conviction for an appropriate period and
 - Show adequate evidence of good character from the time of conviction.

Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

4. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.
5. The following examples are a general guide on the action that might be taken where convictions are disclosed.

(a) Offences of Dishonesty

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

Members of the public entrust themselves in to the care of drivers and expect to be treated fairly and conveyed in a safe manner.

For these reasons a serious view is taken of any convictions involving dishonesty. In general a period of 3 to 5 years free of conviction will be required before an application is likely to be considered favourably.

In particular, an application will normally be refused where the applicant has a conviction for an offence of:

Theft
Burglary
Fraud

Benefit Fraud (including offences under ss. 111A and 112 of the Social Security Administration Act 1992)
Handling or receiving stolen goods
Forgery
Conspiracy to defraud
Obtaining money or property by deception
Other deception
Fraud Act

And the conviction is less than 3 years prior to the date of the application.

Between 3 and 5 years after conviction more weight will be given to the circumstances of the offence and any evidence produced which demonstrates good character since the date of conviction.

(b) Violence

As hackney carriage and private hire drivers maintain close contact with the public, in general a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably.

In particular:

An application will normally be refused where the applicant has a conviction for an offence of:

Murder

Manslaughter

Manslaughter or culpable homicide while driving

Arson

Malicious wounding or grievous bodily harm (s20 Offences against the Person Act 1861) which is racially aggravated (s 29(1) (a) Crime and Disorder Act 1998)

Actual bodily harm (s.47 Offences against the Person Act 1861) which is racially aggravated (s29 (1) (b) Crime and Disorder Act 1998)

And the conviction is less than 10 years prior to the date of application.

An application will normally be refused where the applicant has a conviction for an offence of:

Grievous bodily harm with intent (s.18 Offences against the Person Act)

Grievous bodily harm (s.20 Offences against the Person Act)

Robbery

Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1968)

Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence) (s.31 (1) (a) Crime and Disorder Act 1998)

Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31 (1) (b) Crime and Disorder Act 1998)

And the conviction is less than 8 years prior to the date of application.

Between 8 and 10 years after conviction more weight will be given to the circumstances of the offence and any evidence produced which demonstrates good character since the date of conviction

An application will normally be refused where the applicant has a conviction for an offence of:

Common assault

Common assault which is racially aggravated (s.29 (1) (c) Crime and Disorder Act 1998)

Assault occasioning actual bodily harm (s.47 Offences against the Person Act)

Assault police

Affray

Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31 (1) (c) Crime and Disorder Act 1998)

Riot

Obstruction

Possession of offensive weapon

Possession of firearm

Criminal damage

Violent disorder

Resisting arrest

And the conviction is less than 3 years prior to the date of application.

Between 3 and 8 years after conviction more weight will be given to the circumstances of the offence and any evidence produced to show good character since the date of conviction.

(c) Drugs

An application will normally be refused where the applicant has a conviction for a drug-related offence and the conviction is less than 5 years prior to the date of application.

In addition applicants will normally be required to show a period of at least 5 years free from drug taking and/or 5 years after detoxification treatment if (s)he was an addict.

(d) Indecency Offences

As hackney carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for soliciting, importuning, indecent exposure, or any sexual offence will normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.

In particular, an application will normally be refused where the applicant has a current conviction for an offence of:

Rape

Indecent assault

Gross indecency with a female

Gross indecency with a male

Indecent assault on a child under 16 years

Buggery

Offences under the Sexual Offences Act 2003

And the conviction is less than 10 years prior to the date of application.

(e) Motoring convictions

Major traffic offences

An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within 6 months prior of the application the application will normally be refused.

More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

A list of offences to which this paragraph applies is attached at Annex 2.
Minor Traffic Offences

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.

In particular, an application will normally be refused where the applicant has 12 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which penalty points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6 months.

A list of offences to which this paragraph applies is attached at Annex 2.

Hybrid Traffic Offences

Offences of the type listed in Annex 3 will be treated as major traffic offences where the court has awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

Disqualification

Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 2 years free of conviction has elapsed from the restoration of the DVLA licence.

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.

In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver the Council is likely to refuse a hackney carriage or private hire

driver's licence. This is because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

(f) Offences under the Town Police Clauses Act and Part II of the Local Government (Miscellaneous Provisions) Act 1976

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

In particular, an applicant will normally be refused a licence where (s)he has been convicted of an offence under the Acts at any time during the 6 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

**(g) Drunkenness
*With a motor vehicle***

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

An isolated conviction for drunkenness, without disqualification, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence or one such offence within the last five years is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

(h) Spent Convictions

The Council will consider spent convictions where it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that in order to arrive at a decision it is necessary to admit or require evidence relating to that spent conviction.

(i) Cautions and Endorsable Fixed Penalties

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

Major Traffic Offences

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving whilst disqualified by order of court
BA20	Attempting to drive whilst disqualified by order of court
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users.
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide when driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for or a vehicle licence.
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle

Aiding, abetting, counseling or procuring

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

Causing or permitting

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

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

Minor Traffic Offences

MS10 Leaving a vehicle in a dangerous condition
MS20 Unlawful pillion riding
MS30 Play street offences
MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
MS70 Driving with uncorrected defective eyesight
MS80- Refusing to submit to an eyesight test
MS90 Failure to give information as to identity of driver etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations
PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

TS10 Failing to comply with traffic light signals
TS20 Failing to comply with double white lines
TS30 Failing to comply with a "Stop" sign
TS40 Failing to comply with direction of a constable or traffic warden
TS50 Failing to comply with a traffic sign (excluding "Stop" sign, traffic lights, or double white lines)
TS60 Failing to comply with school crossing patrol sign
TS70 Undefined failure to comply with a traffic sign

Aiding, abetting, counseling or procuring

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

Causing or permitting

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

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

Hybrid Traffic Offences

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyres
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers

- SP10 Exceeding goods vehicle speeding limit
- SP20 Exceeding speed limit for type of vehicle (exceeding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on motorway
- SP60` Undefined speed limit offence

Aiding, abetting, counseling or procuring

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

Causing or permitting

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

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

**DACORUM BOROUGH COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

TAXI VEHICLE LICENCE CONDITIONS

Any requirements of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

1. Maintenance of Vehicle and Safety Equipment

The proprietor of the vehicle shall:

- (a) Provide sufficient means by which any person in the vehicle may communicate with the driver.
- (b) Cause the roof or covering to be kept watertight.
- (c) Provide adequate windows which must be capable of being opened and closed at all times by passengers.
- (d) Cause the seats to be properly cushioned, covered and kept clean.
- (e) Cause the floor to be provided with a proper carpet, mats or other suitable floor covering.
- (f) Cause the fittings and furniture generally to be kept in a clean condition and well maintained.
- (g) Provide means for securing luggage.
- (h) Provide external rear view mirrors to be fitted both sides of the vehicle.
- (i) Provide a heater screen to the rear window of the vehicle which must be kept in working order.
- (j) Ensure that the wheels (including the spare) are not fitted with remould tyres.
- (k) Ensure that the wheels (including the spare) are fitted with radial tyres, unless the vehicle is an FX4 or London type Taxi.
- (l) Provide an efficient vaporising liquid or dry powder fire extinguisher, which shall be carried in such a position as to be readily available for use at all times.
- (m) Provide a first aid kit, such equipment to be carried in such a position in the vehicle as to be readily available for use at all times. (A list of minimum contents will be supplied if requested).
- (n) Ensure that the vehicle and all its fittings and equipment are at all times, when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory

requirements (including those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with.

- (o) Ensure that no material alterations or changes in specification, design, condition or appearance of the vehicle are made without the approval of the Council at any time whilst the licence is in force.
- (p) If the vehicle is an estate style vehicle, a guardrail must be fitted of a type approved by the Council, to separate the rear loading area from the passengers. In the case of hatchback models, it is only necessary to fix a guardrail when the parcel shelf is removed.

2. Identification Plate

The identification plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed to the satisfaction of the Council, on or above the bumper on the outside of the offside rear of the vehicle, in such a position that it shall be clearly visible from the rear of the vehicle and the proprietor/driver shall not wilfully or negligently conceal it from public view whilst the vehicle is being used for hire.

3. Interior Marking

The interior plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed inside the vehicle, to the satisfaction of the Council, in such a position that it is clearly visible to the passengers while the vehicle is being used for hire.

4. Roof Signs

The proprietor must fit a sign over the centre of the roof of the vehicle of a minimum size of 14" in length and 4½" in height showing the word "**TAXI**" to the front and if required the owner's name and telephone number on the rear side. The lettering of the word "**TAXI**" must not be less than 2½" in height and any other wording must not be in any circumstances in larger letters than the word "**TAXI**".

5. "FOR HIRE" Sign

The proprietor must fit an illuminated "**FOR HIRE**" sign inside and on the windscreen of the vehicle in a position approved by the Council. The sign's illumination must be switched off when the vehicle has been hired.

6. Notices, Advertisements etc

No signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems, badges or any device whatsoever must be displayed on, in or from the vehicle, except as may be required by a statutory provision or the following conditions:

- (a) An identification sign of a maximum size of 30" x 16" showing the name of the firm and/or the company's symbol or badge which **must** include the words "**LICENSED TAXI**" may be displayed on the front doors of the vehicle only, subject to an Authorised Officer of the

Council approving the appropriate size layout and design and wording prior to them being displayed on the vehicle.

- (b) Where an identification sign in (a) above is not displayed an independent advertising panel of a maximum size of 30" x 16" may be displayed on the front doors only of the vehicle, subject to an Authorised Officer of the Council approving the appropriate size, layout, design and wording prior to them being displayed on the vehicle.
- (c) A panel of a maximum size of 10" x 8" for displaying advertisements may be displayed on the interior of the vehicle, provided it is not illuminated or readily visible outside the vehicle, subject to an Authorised Officer of the Council approving the layout, design and wording prior to it being displayed inside the vehicle.

7. Fare Table

The proprietor must display the printed copy of the table of fares in a prominent position in the passenger compartment of the licensed vehicle, and the fare charged to any passenger must not exceed that in the table.

8. Taxi Meters

- (a) The proprietor shall fit inside the vehicle a taximeter of a type approved by the Council for recording the fares payable by passengers in conforming with such table of fares as may from time to time be approved by the Council.
- (b) The position of the taximeter inside the vehicle shall be approved by an Authorised Officer.
- (c) The meter shall be tested and sealed by an Authorised Officer.
- (d) The proprietor shall not tamper with or permit any person to tamper with any taximeter and the seals affixed thereto.
- (e) The operation of the taximeter shall be in accordance with the appropriate byelaws made by the Council.
- (f) Unless the hirer expresses at the commencement of the hiring his desire to engage by time, the rate of the fare shall be by distance as set by the Council.
- (g) When a taxi is used as a private hire car, the fare to be charged must be calculated from the point in the Borough at which the hirer begins their journey, and cannot be calculated by reference to the distance between the office and the pick-up point or between the point where the driver finished his/her last journey and the pick-up point, and at no time is the fare to be greater than the table of fares approved by the Council.

9. Two Way Radio Equipment and Hands-Free Telephones

The proprietor shall notify the Licensing Office before such equipment is installed in a licensed vehicle, so that the equipment and proposed position can be checked and approved in relation to passenger and driver safety.

10. Driver

The driver shall at all times be clean and respectable in his dress and behave in a civil and orderly manner.

11. Passengers

The driver shall not, when the vehicle is in use:

- (a) Carry more passengers than the vehicle is licensed to carry.

NB: A one-day old child is a passenger.

- (b) Have more than one passenger in one seat belt.

- (c) Without the consent of the hirer of the vehicle, convey or permit to be conveyed, any other person in that vehicle.

- (d) Place any passenger in danger regarding the use of seat belts or child restraints.

12. Change of Address

The proprietor shall immediately notify the Council in writing of any change of his/her address during the period of the licence.

13. Convictions

The proprietor of the vehicle shall immediately disclose to the Council in writing any conviction imposed on him/her or the driver during the period of the licence.

14. Deposit of the Drivers Licence

If the proprietor of the vehicle permits or employs any other person to drive the vehicle as a taxi he/she shall, before the person starts to drive the vehicle, cause the driver to deliver to him/her his/her Taxi Drivers Licence for retention until such time as the driver ceases to be engaged or employed to drive the vehicle or any other vehicle of his/hers.

15. Copy of Vehicle Licence Conditions

The proprietor shall make sure that he/she or any driver he/she employs carries a copy of the vehicle licence and conditions in the vehicle, and makes them available for inspection by an Authorised Officer, the hirer or any other passenger on request.

16. Insurance

The proprietor shall at all times be adequately insured to the Council's satisfaction in respect of the use of the vehicle for carrying fare paying passengers and ensure that he/she or any driver he/she engages or employs carries proof that the vehicle is insured and makes it available for inspection by an Authorised Officer, the hirer or any other passenger on request.

17. Accidents

Any accident to a vehicle must be reported to the Council as soon as possible and, in any case, within 72 hours. A Vehicle Damage Report must be presented to the Licensing Office. **No further hiring's may be undertaken until the vehicle has been inspected and approved by an Authorised Officer.**

(Note: a vehicle that has been withdrawn from service may require a further mechanical test at the Council's authorised testing station before being allowed to return to service, this depends on the extent of damage. (Any cost to be met by the proprietor)

18. Conditions

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

If you are aggrieved by any of the Conditions attached to this licence, you may appeal to a Magistrates Court within 21 days of the service of the licence on you. (S.47 and 77 of the 1976 Act and S.300 to 302 of the Public Health Act 1936).