



# WOKINGHAM BOROUGH COUNCIL

## Private Hire School and Community Services Licensing Policy

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### Introduction

This policy relates to drivers, vehicles and operators engaged solely in the transportation of children and clients under contracts awarded by local authorities for the provision of school and community services transport.

Operators, drivers and vehicles undertaking work in connection with a contract of this nature must be licensed under the relevant legislation before any work can be carried out under the contract.

Before being licensed, a driver and vehicle must be affiliated to a licensed operator who has been awarded a contract for the provision of school and community services transport.

**Each application will be considered on its own merits, taking into account all the relevant circumstances and legislation, but shall be subject to the following policies.**

A licence will not be issued until the appropriate fee is paid. Where fees are paid by cheque that is subsequently dishonoured, enforcement action may be taken.

**Please Note – It is an offence to carry out Private Hire or Hackney Carriage work without the valid licences. Applicants will not be able to start working whilst their application is being processed, they must wait until the licences have**

actually been granted (unless it is a renewal application and their existing licences are still in effect).

## **1. Private Hire School and Community Services Driver Licences**

### **1.1 General**

1.1.1 Wokingham Borough Council will accept applications from those who are licensed in a similar capacity with another local authority. However, no driver licence will be issued until the licence held with the other local authority has been surrendered.

1.1.2 All applicants, aside from those who are renewing their licence, will have three calendar months from the initial interview to complete the application process. After this time any incomplete application may be closed and any subsequent application will be treated as a fresh application.

NB – This time limit can be extended in exceptional circumstances, with the prior approval of an authorised officer of Wokingham Borough Council.

1.1.3 The applicant will be given three attempts to pass each of the required tests to become a licensed driver. If they have not passed after the third attempt no new application will be accepted for a period of three calendar months from the date of the last test. If a new application is then made after the three months, the applicant will be required to pass all the tests required by Wokingham Borough Council at the time of the new application.

1.1.4 An application for the renewal of a licence must be made prior to the expiry of the licence or it will be treated as a new application. The licence holder can apply in writing to Wokingham Borough Council to request permission for an application, made after the expiry of the licence, to be treated as a renewal application. However permission will only be granted in exceptional circumstances and at the discretion of Wokingham Borough Council. Driving as a Private Hire School and Community Services driver without a valid Private Hire driver licence is an offence.

1.1.5 Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken.

### **1.2 Fitness and Propriety**

Before Wokingham Borough Council will grant or renew a driver licence, the applicant or licence holder must satisfy the following requirements;

#### **1.2.1 Identity**

To prove their identity, all applicants must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).

Applicants from outside the EU must provide;

- i. a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely or
- ii. a passport with a valid UK visa, which allows the holder to work as a Private Hire School and Community Services driver (student visas will not be

accepted), and which has at least six calendar months remaining at the time of application.

A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. Wokingham Borough Council reserves the right to verify, at any time, a licence holder's entitlement to remain in the UK. We will not accept letters issued by the Home Office when a visa application is pending.

To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EC passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.

For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain, and may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If a licence holder loses the right to remain in the UK during the currency of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within 7 days.

#### 1.2.2 Disclosure & Barring Services Checks (DBS)

Wokingham Borough Council will check with the Disclosure & Barring Service (DBS) for the existence and content of any criminal record held in the name of an applicant. Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.

All applicants, aside from those who are renewing their licence, will be required to have an enhanced DBS check. Existing driver licence holders will be subject to an enhanced DBS check every 3 years.

#### Certificate of Good Conduct

Those who have not been continuously resident in the United Kingdom for the previous five years must also provide a Certificate of Good Conduct, as the DBS checks do not cover convictions in countries outside the United Kingdom. The applicant should obtain this from the appropriate Embassy or High Commission and it must be in English. If this cannot be provided then the application will be refused.

**NB - Nothing in this policy shall preclude a licence holder from being required to undergo a further DBS check at any time as directed by an authorised officer of Wokingham Borough Council.**

### 1.2.3 Previous Convictions

In relation to the consideration of previous convictions and cautions recorded against applicants and licence holders, Wokingham Borough Council has adopted the policy set out in Appendix One.

### 1.2.4 Medical Examination

Each applicant, on first application and at the intervals indicated below, must complete a satisfactory medical examination by the applicant's own GP (GP within their own practice). Once a licence has been granted, medical examinations will be required at the following intervals;

<b>AGE</b>	<b>FREQUENCY</b>
First Licensing	And thereafter from age 45
45 years to 65 years	Every 5 years
65 years +	Annually

A medical examination may be required at any other time, as determined by the GP or as requested by an officer authorised by Wokingham Borough Council. In addition if an applicant or current driver has been diagnosed with type 1 diabetes requiring insulin a medical compliance form will need to be completed and issued to your doctor on a yearly basis.

### 1.2.5 Driving Licence

Applicants must have held a full European Union or other DVLA approved driving licence for at least 12 months prior to application (this excludes the holding of a provisional licence). This licence is to be submitted with the application form (including renewal applications) and will be checked with the DVLA. Any applicant, who does not hold a DVLA licence, will be required to obtain a D58 paper counterpart from the DVLA, before a licence will be granted. The address on the DVLA licence must be consistent with the addresses on any other paperwork submitted with the application. We may carry out spot checks on a random basis to ascertain any changes to the status of the DVLA licence.

### 1.2.6 Practical Assessments for Licensed Drivers and Applicants

All applicants, aside from those who are renewing their licence, are required to have passed a practical driving assessment when applying for a School/Private Hire or Hackney Carriage Licence. Each applicant who will be driving a vehicle which has been adapted or manufactured for disabled access will also need to have passed the Wheelchair assessment test before a driver licence is issued.

### 1.2.7 References

All applicants, aside from those who are renewing their licence, are required to produce, as evidence of good character, the names of two persons of suitable standing from whom references can be requested. The referees must have known the applicant, personally or professionally, for at least two years. These names must be

submitted with the application form. References from relatives and/or existing drivers or operators licensed with Wokingham Borough Council will not be accepted.

#### 1.2.8 Safeguarding Training

All new applicants for a driver or operator licence must complete safeguarding training prior to the issue of a licence. Existing drivers and operators must complete the training prior to the next renewal of their licence. Once passed, the training must be retaken by all licensed drivers and operators within a 3 year period.

## **2. Private Hire School and Community Services Vehicle Licences**

### **2.1 General**

2.1.1 Any vehicle, with fewer than 9 passenger seats, which is provided for hire with the services of a driver, for the purposes of carrying passengers, is required to be licensed under the Local Government (Miscellaneous Provisions) Act 1976.

2.1.2 Wokingham Borough Council will accept applications in relation to vehicles, which are licensed in a similar capacity with another local authority. However, no vehicle licence will be issued until the licence held with the other local authority has been surrendered.

2.1.3 An application for the renewal of a licence must be made prior to the expiry of the licence or it will be treated as a new application. The licence holder can apply in writing to Wokingham Borough Council to request permission for an application, made after the expiry of the licence, to be treated as a renewal application. However permission will only be granted in exceptional circumstances and at the discretion of Wokingham Borough Council. Driving a vehicle, as a Private Hire School Hire vehicle licence is an offence.

2.1.4 Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken.

### **2.2 Vehicle Standards**

2.2.1 No vehicle shall be licensed unless it has undertaken and passed the Hackney Carriage and Private Hire Vehicle Test at a Wokingham Borough Council nominated garage.

2.2.2 Vehicles with tinted windows will be considered, however, the glass on the driver's compartment must satisfy the standards contained in the Road Vehicles (Construction and Use) Regulations 1986.

2.2.3 In addition to the requirements in paragraphs 2.2.1 and 2.2.2, all vehicles must conform to the standards as prescribed in the Hackney Carriage/Private Hire Vehicle; Manual of Inspection Standards. A copy of these standards can be obtained from Wokingham Borough Council.

2.2.4 At the discretion of Wokingham Borough Council, vehicles that have been involved in an accident, which have required repair, may have to pass a further inspection at one of our nominated testing stations.

## **2.3 Age**

2.3.1 Vehicles up to five years old from the first date of registration will be subject to an annual inspection at one of Wokingham Borough Council's nominated testing stations. Where vehicles are five years or older, from the date of first registration, they will be subject to an inspection every six calendar months. If an inspection is not carried out in the month that it is due, the licence will be suspended until such a test has been passed.

## **2.4 Insurance**

2.4.1 Evidence of valid hire and reward insurance must be produced; this must be in the form of original documents, photocopies will not be accepted.

## **2.5 Advertising**

2.5.1 Advertising on the outside of any licensed vehicle is restricted to the name and telephone number of the owner or operator of the Private Hire School and Community Services vehicle, unless written permission is obtained from Wokingham Borough Council.

## **2.6 Temporary Replacement Vehicles**

2.6.1 An application for a temporary replacement vehicle must be made in writing to Wokingham Borough Council. It will only be considered where the licensed vehicle has been involved in an accident or is otherwise incapacitated, and then only at the discretion of Wokingham Borough Council in accordance with this policy. Any temporary replacement vehicles must be able to satisfy the criteria of a licensed vehicle (as detailed in this part of this policy).

## **3. Private Hire School and Community Services Operator Licences**

### **3.1 General**

3.1.1 Anyone who in the course of business makes provision for the invitation or acceptance of bookings for a private hire journey is regarded as an Operator and must hold a Private Hire operator licence, unless they are covered by an exemption within the Local Government (Miscellaneous Provisions) Act 1976. A private hire journey is one in which the services of any vehicle, with fewer than 9 passenger seats, is provided for hire with the services of a driver for the purposes of carrying passengers.

3.1.2 An application for the renewal of a licence must be made prior to the expiry of the licence or it will be treated as a new application. The licence holder can apply in writing to Wokingham Borough Council to request permission for an application, made after the expiry of the licence, to be treated as a renewal application. However permission will only be granted in exceptional circumstances and at the discretion of Wokingham Borough Council. Operating Private Hire School and Community Services drivers and vehicles without a valid licence is an offence.

3.1.4 Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken.

## **3.2 Operator's Base**

3.2.1 Anyone who is based in more than one area will be required to hold an operator licence with the local authority in each of those areas.

3.2.2 An operator who has more than one operating base within Wokingham Borough does not require a separate licence for each premises, but must submit a list to Wokingham Borough Council containing all the addresses from which they run their business.

3.2.3 Planning permission or a Certificate of Lawful Use for the use or change of use of premises, whether home or commercial, should be sought from Wokingham Borough Council's Development Control Services if necessary.

3.2.4 If the premises or property are rented or leased, then the applicant must provide written authority from the landlord confirming that a business may operate from the address, at the time of application.

## **3.3 Fitness and Propriety**

Before Wokingham Borough Council will grant or renew an operator licence, the applicant or licence holder must satisfy the following requirements;

### **3.3.1 Identity**

To prove their identity, all applicants must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).

Applicants from outside the EU must provide;

- i. a passport with a valid stamp from the Home Office to say that they have leave to remain in the country indefinitely or
- ii. a passport with a valid UK visa, which allows the holder to work as a Private Hire Operator (student visas will not be accepted) and which has at least six calendar months remaining at the time of application.

A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. Wokingham Borough Council reserves the right to verify, at any time, a Licence Holder's entitlement to remain in the UK. We will not accept letters issued by the Home Office when a visa application is pending.

To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EC passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct



authorisations, a UK birth certificate together with an official document giving the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.

For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain, and may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If a licence holder loses the right to remain in the UK during the currency of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within 7 days.

### 3.3.2 Disclosure & Barring Service Checks (DBS)

Wokingham Borough Council will check with the Disclosure & Barring Service (DBS) for the existence and content of any criminal record held in the name of an applicant. Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.

All applicants, aside from those who are renewing their licence, will be required to have an enhanced DBS check. Existing operator licence holders will be subject to an enhanced DBS check every 3 years.

If another local authority has carried out a DBS check, Wokingham Borough Council will only accept this if it is an enhanced check and it is less than three calendar months old at the date of application.

### Certificate of Good Conduct

Those who have not been continuously resident in the United Kingdom for the previous five years must also provide a Certificate of Good Conduct, as the DBS checks do not cover convictions in countries outside the United Kingdom. The applicant should obtain this from the appropriate Embassy or High Commission and it must be in English. If this cannot be provided then the application will be refused.

**NB - Nothing in this policy shall preclude a licence holder from being required to undergo a further DBS check at anytime as directed by an authorised officer of Wokingham Borough Council.**

### 3.3.3 Previous Convictions

In relation to the consideration of previous convictions and cautions recorded against applicants and licence holders, Wokingham Borough Council has adopted the policy set out in Appendix One.

### **3.4 Drivers and Vehicles**

3.4.1 The operator must ensure that any driver or vehicle operated or employed by them holds a correct and current licence issued by Wokingham Borough Council.

3.4.2 An application for a temporary replacement vehicle must be made in writing to Wokingham Borough Council. It will only be considered where the licensed vehicle has been involved in an accident or is otherwise incapacitated, and then only at the discretion of Wokingham Borough Council, in accordance with this policy. Any temporary replacement vehicles must be able to satisfy the criteria of a licensed vehicle (as detailed in section two of this policy).

3.4.3 At the discretion of Wokingham Borough Council, vehicles that have been involved in an accident, which have required repair, may have to undergo a further inspection at one of our nominated testing stations.

## **4. Enforcement and Appeals**

### **4.1 General**

4.1.1 This policy will be considered in conjunction with the Council's Enforcement Policy.

4.1.2 Wokingham Borough Council's policy is to ensure that all licence holders' carry out their trade in accordance with both the relevant law and the conditions attached to their licences.

### **4.2 Enforcement Options**

4.2.1 Wokingham Borough Council aims to maintain a consistent approach when making all decisions in relation to Private Hire School and Community Services licensing.

4.2.2 In order to maintain a consistent approach, this policy is always considered, in addition to the Council's Public Protection Enforcement Policy, and followed where appropriate. In reaching any decision Wokingham Borough Council will also have regard to the following;

- i. the seriousness of any offences
- ii. the licence holder's past history
- iii. the consequences of non-compliance
- iv. likely effectiveness of the various enforcement options
- v. danger to the public

4.2.3 Once Wokingham Borough Council has considered all the evidence and relevant information, the following options will be considered;

- i. Take no action
- ii. Take informal action (e.g. warning letter, verbal caution)
- iii. Impose penalty points on the licence (see Appendix Two)
- iv. Statutory Notices

- v. Suspend the licence
- vi. Revoke the licence
- vii. Prosecute

### 4.3 Appeals

4.3.1 If a licence application or renewal is refused or enforcement action is taken, the applicant or licence holder will be informed in writing.

4.3.2 As part of Wokingham Borough Council's internal processes applicants and licence holders may appeal against a decision taken by a Wokingham Borough Council officer, in respect of a licence application, revocation, suspension or any other enforcement action. Such an appeal will be heard by an Appeal Panel, made up of elected members who will consider each case on its own merits. If an internal appeal is not made within **21 days** of the officer's decision letter then a further letter will be sent out confirming that the officer's decision will stand. Where permitted by statute the applicant or licence holder will then be entitled to make an appeal to the Magistrates' Court, in writing, within the statutory time frame of **21 days**.

4.3.3 If an internal appeal is made, then an applicant or licence holder is also entitled to appeal against any decision taken by the Appeal Panel. This should be done by giving notice of an appeal to the Magistrates' Court, in writing, within **21 days** of notification of the Appeal Panel decision letter.

## Appendix One

### Private Hire School and Community Services Licensing Criminal Convictions Policy

#### 1. Introduction

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an **applicant** or an **existing licence holder** is a fit and proper person to hold a private hire school and community services driver or operator licence.

1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from a dishonest person
- That children, young persons and vulnerable adults are safeguarded.

1.3 This policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not exclusively:

- Applicants for drivers and operator licences
- Existing licensed persons whose licences are being reviewed
- Licensing officers
- Members of the licensing committee/panel (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions.

1.4 Where licensing officers or the Licensing Panel have delegated powers to grant, revoke or suspend licences, they will utilise these guidelines when making their decision. Whilst officers and the panel will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.** Clear cogent reasons would be set out in any decision letter where there is a departure from the guidance.

#### 2. General policy

2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances, or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:

- a) remain free of conviction for an appropriate period; and
- b) show adequate evidence that he or she is a fit and proper person to hold a licence

The onus is on the applicant to produce such evidence and simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

**2.3 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)].

### **3. Pre-requisites to making an application**

3.1 It is the policy of the licensing authority that every application for a licence to drive a hackney carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will not be deemed to have been made until such time as they are complete:

- That the applicant has the right to live and work in the country.
- An enhanced criminal record check (DBS) and evidence that they are not on a child and/or vulnerable adult barring list.
- A certificate of their current medical fitness to DVLA Group 2 standard.
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive.
- That the applicant meets the required post-qualification driving experience and demonstrates the required level of competency.
- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for.
- That where specified the applicant has completed safeguarding awareness training specific to the service that they wish to be licensed to provide.
- For persons who seek to be authorised to drive a wheelchair accessible vehicle, that the applicant has the ability to safely load and secure wheelchair users in a wheelchair accessible vehicle whilst in their wheelchair.

3.2 If an applicant has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period before a licence application can be made.

### **4. Appeals**

4.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

4.2 Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.

4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

## **5. Powers**

5.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

5.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

5.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

## **6. Consideration of disclosed criminal history**

6.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of caution/conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of caution/conviction.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant.

6.2 Existing licence holders are required to notify the licensing authority in writing within 28 days of being arrested, receiving a driving licence endorsement, fixed penalty notice, caution or criminal conviction.

6.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing team in confidence for advice.

- 6.4 Applicants for the grant of a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). Existing licensed drivers are required to obtain an enhanced disclosure every 3 years or as required by the licensing authority.
- 6.5 Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the Council, will be required to obtain a basic criminal record disclosure from Disclosure Scotland. Existing licensed operators are required to obtain a basic criminal record disclosure every 3 years or as required by the licensing authority.
- 6.6 The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information, and the DBS's policy on the secure storage, handling, use, retention and disposal of disclosure information. Copies of these documents are available on request. More information about the DBS can be found on their website at:  
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>.
- 6.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
- 6.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

## **7. Serious offences involving violence**

7.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life or serious injury. Exceptional circumstances may permit the Council to make an exception to this general policy statement.

7.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

7.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

7.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm
- Actual bodily harm which would be classified as "hate crime"
- Robbery
- Possession of firearm
- Riot
- Assault on a Police officer, or a Council officer acting in the course of their duty
- Common assault which would be classified as "hate crime"
- Violent disorder
- Resisting arrest, when subsequently charged or convicted.
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:

- Criminal damage would be classified as "hate crime"
- Any other hate crime offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

7.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

7.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

## **8. Possession of a weapon**



8.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

8.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

## 9. Sex and indecency offences

9.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.

9.2 (a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for a serious offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Or **any** sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

9.3 (b) Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit).

9.4 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

## 10. Dishonesty

10.1 A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Licensed drivers are required to deposit such property with the police within 24 hours and inform their operator where applicable. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in

licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

10.2 In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- And any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

10.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

## **11. Drugs**

11.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

11.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

11.3 A licence will not normally be granted where the applicant has a conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

11.4 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

11.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

11.6 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

## **12. Driving offences involving the loss of life**

12.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences

## **13. Drink driving/driving under the influence of drugs/using a mobile phone whilst driving**

13.1 As licensed drivers are professional vocational drivers, a serious view is taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs. Normally at least 3 years after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

13.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rospa.com/rospaweb/docs/advice-services/roadsafety/drivers/mobile-phone-report.pdf>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- Are much less aware of what's happening on the road around them
- Fail to see road signs
- Fail to maintain proper lane position and steady speed
- Are more likely to 'tailgate' the vehicle in front
- React more slowly, take longer to brake and longer to stop
- Are more likely to enter unsafe gaps in traffic
- Feel more stressed and frustrated.

13.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

13.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

## **14. Motoring offences**

14.1 Where any applicant for a **new** licence has been disqualified from driving, a licence will not be granted until the applicant has (since the period of disqualification has ended) held a full driving licence for a continuous period of 2 years.

14.2 Where any licensed driver is disqualified from driving, the licence will be revoked. On restoration of the entitlement to drive, a licence will not normally be granted for a period of 2 years.

14.3 Should a new applicant or existing licensed driver be convicted of endorseable motoring offences resulting in a total of 9 or more points on his/her DVLA driving licence, it is likely that he/she shall be required to appear before a sub-Committee; in the case of a new application, to show good reason why the Council should grant, or in the case of an existing driver, show good reason why the Council should not suspend or revoke his/her licence.

## **15. Licensing offences**

15.1 Certain offences which relate to licensing matters such as illegal plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since the offence.

15.2 A licence will not normally be granted if an applicant has more than one conviction for such licensing related offences.

## **16. Insurance offences**

16.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years; however a strict warning should be given as to future behaviour.

16.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

16.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have their operator licence revoked immediately and be prevented from holding a licence for at least three years.

## **17. Outstanding charges or summonses**

17.1 If an individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

17.2 If the outstanding charge or summons involves a serious offence or the individual's conviction history indicates a possible pattern of unlawful behaviour or

character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

## **18. Non-conviction information**

18.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.

18.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

## **19. Cautions**

19.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

## **20. Once a licence has been granted**

20.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect serious consideration to be given to the suspension or revocation of their licence.

20.2 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

20.3 A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

## **21. Licences issued by other licensing authorities**

21.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

21.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

## **22. Summary**

22.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in

most cases an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before the stated period free from conviction has elapsed.

22.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

22.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration must remain the protection of the public.

## **Appendix Two**

### **Private Hire School and Community Services Penalty Point Scheme**

#### **General**

Issuing penalty points is a means of enforcing the terms and conditions that all licence holders have to adhere to.

The penalty point scheme is seen as a way of ensuring compliance with the conditions of the licence and serves as an “early warning” system to drivers, operators and vehicle owners who fail to satisfy the conditions of their licence(s). Penalty points will be issued in accordance with the Enforcement and Appeals Policy at section 4 of this document.

All licence holders that have penalty points recorded against them will be given notice in writing explaining the reason(s) for the allocation of penalty points and their numerical value.

Once the penalty points have been on record for twelve calendar months, and if the licence holder has not had any enforcement action taken against them by the Council during those twelve months, then their penalty points will reduce in value by 50% (i.e. from 50 points to 25 points). This will continue to occur every twelve calendar months, assuming no further enforcement action is taken. If the total number of penalty points is the equivalent of 20 points or below then at the end of the year, they will be cleared from the record.

#### **Review of Licence**

Any licence holder who has accumulated 100 points or more will have their licence reviewed immediately. Further appropriate enforcement action may be necessary.

The following guide shows the maximum number of points that Wokingham Borough Council will award for various infringements:

<b>INFRINGEMENT</b>	<b>LICENCE SUBJECT TO THE POINTS</b>	<b>MAXIMUM PENALTY</b>
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Using bus/Taxi lane	Vehicle Licence Driver Licence	20 points
No fire extinguisher in vehicle	Any Licence	50 points
Failure to notify the licensing service of a conviction within 7 days	Driver Licence Operator Licence	50 points
Failure to properly display Wokingham Borough Council vehicle licence plate	Any Licence	25 points
Failure to notify licensing service of change of address within 7 days	Any Licence	10 points
Failure to contact licensing service as instructed or to provide documents as requested by Council (points will be awarded per document)	Any Licence	5 points
Faulty tyre	Any Licence	30 points (per tyre)
Private Hire Vehicle displaying a Taxi roof sign	Driver Licence Vehicle Licence	50 points
Aggressive / violent / abusive behaviour	Driver Licence Operator Licence	100 points
Private Hire Vehicle parking in a Taxi rank	Driver Licence Vehicle Licence	30 points
Licence fee cheque being dishonoured and the payment needs to be acquired by other means.	Any Licence	10 points
Operator failing to keep proper records	Operator Licence	40 points
Operator failing to assist an authorised officer of Wokingham Borough Council making a reasonable request in relation to enforcement duties	Operator Licence	100 points
Fail to wear a Private Hire driver badge	Driver Licence	100 points
Driving a licensed vehicle in an obviously unsafe condition	Any Licence	100 points
Behaving in any other manner contrary to the terms of the licence conditions	Any Licence	100 points

## **Licence Conditions: Private Hire School and Community Services Driver**

In these conditions, unless otherwise indicated; “the Council” will mean Wokingham Borough Council  
“the Driver” means a person who has been granted a licence by Wokingham Borough Council under section 51 of the Local Government (Miscellaneous Provisions) Act 1976

### **1.0 General**

1.1 The holder of this licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

1.2 The Driver will only carry out work under a contract for the provision of school and community services transport.

1.3 The Driver shall, on obtaining a similar licence from another local authority, immediately stop carrying out work under their Wokingham Borough Council licence. They shall then, within **five working days**, return the licence issued by Wokingham Borough Council to an authorised officer of the Council.

### **2.0 Conduct of Driver**

2.1 The Driver –

2.1.1 Must wear the badge provided by the Council in such a position and manner as to be plainly visible at all times.

2.1.2 Must at all times be clean and tidy in his dress and person and behave in a civil and orderly manner, and not use foul or abusive language.

2.1.3 Shall take all reasonable precautions to ensure the safety of passengers conveyed in, or entering, or alighting from the vehicle.

2.1.4 Shall make reasonable checks of the vehicle they are driving, to ensure that it is in good working order and is safe to drive.

2.1.5 Shall ensure that the vehicle they are driving displays the necessary licence plate and identification cards required by the Council.

2.1.6 Shall assist with the loading and unloading of luggage.

2.1.7 Unless otherwise directed by the hirer, shall proceed to the destination by the shortest possible route.



- 2.1.8 Shall comply with the hirer's request not to eat in the vehicle.
- 2.1.9 Shall comply with the hirer's request not to play any radio or other sound reproducing instrument of equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- 2.1.10 Shall at no time cause or permit the noise by any radio or previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside of the vehicle
- 2.1.11 Shall at all times be affiliated to and operated by a Wokingham Borough Council licensed operator who has been awarded a contract by a local authority for the provision of school and/or community services transport.

### **3.0 Duties of the Driver**

- 3.1 The Driver shall return the badge and licence to the council within **7 days** of the expiration of such licence, or on the demand of an authorised officer of the Council.
- 3.2 Any Driver changing his home address must give notice in writing to the Council within **7 days** of such change.
- 3.3 The Driver shall within **7 days** disclose to the Council in writing details of any conviction imposed on him during the period of the licence.
- 3.4 The Driver shall within **42 days** of the date of a Fixed Penalty, notify the Council in writing of any Fixed Penalty imposed on him which results in an endorsement on his driving licence.
- 3.5 The Driver shall notify the Council in writing within **7 days**, of any change of operator by whom he is operated.
- 3.6 The Driver will provide any documentation reasonably requested by an authorised officer of the Council. Failure to present the documentation within the specified time may result in penalty points being allocated.

### **4.0 Passengers**

- 4.1 The Driver shall not convey or permit to be conveyed in a licensed vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- 4.2 The Driver shall not allow there to be conveyed in the front of the vehicle any child below the age of ten years, unless licensed for 8 passengers, or more than one person above this age.
- 4.3 The Driver shall not without consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.
- 4.4 The Driver must carry any recognised assistance dog (e.g. guide or hearing dog) travelling with a passenger and they may not make any additional charge for doing so.

## **5.0 Lost Property**

5.1 The Driver shall immediately after the termination of any hiring of a licensed vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.

5.2 If any property accidentally left in a licensed vehicle by any person who may have been conveyed therein is found or handed to the Driver, he must carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of the owner, to the local police station.

## **6.0 Animals**

6.1 The Driver shall not convey in a licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

6.2 Any other animal belonging to or in the custody of any passenger, which at the Driver's discretion may be conveyed in the vehicle, shall only be conveyed in the rear of the vehicle. Please refer to paragraph 4.4 above in relation to assistance dogs.

## **7.0 Copy of Conditions**

7.1 The Driver shall at all times when driving a licensed vehicle carry with him a copy of these conditions and shall make them available for inspection by the hirer or any other passenger on request.

## **8.0 Deposit of Copy Licence**

8.1 If the Driver is permitted to drive a licensed vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit a copy of his driver licence with that proprietor.

**FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE DONE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICY.**

## **Licence Conditions: Private Hire School and Community Services Vehicle**

In these conditions, unless otherwise indicated;

“the Council” will mean Wokingham Borough Council

“the Proprietor” means a person who has been granted a licence by Wokingham Borough Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976

“the Vehicle” means the vehicle that is specified on the licence granted under section 48 of the Local Government (Miscellaneous Provisions) Act 1976

### **1.0 General**

1.1 The holder of this licence shall comply with the relevant provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

1.2 The Proprietor shall, on obtaining a similar licence from another local authority, immediately stop carrying out work under their Wokingham Borough Council licence. They shall then, within **five working days**, return the licence issued by Wokingham Borough Council to an authorised officer of Wokingham Borough Council.

### **2.0 Identification Plates and Cards**

2.1 The identification plate and cards shall remain the property of the Council at all times.

2.2 The plate must be securely fixed to the rear exterior of the Vehicle using the Council’s approved backing plate and permanent fixings. **Velcro, adhesive, magnets and brackets are not acceptable**. The security of the plate will be checked as part of the scheduled vehicle test (Hackney Carriage and Private Hire Test). The licence plate will be fixed with security toggles under the supervision of an authorised officer of the Council. The Council reserves the right to inspect the plate at any time.

2.3 All Vehicles must display the licence cards, provided by the Council, in the front and rear windscreen at all times.

### **3.0 Maintenance of Vehicle**

3.1 The Vehicle along with all its fittings and equipment shall at all times when the Vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (in particular those contained in Road Vehicles (Construction and use) Regulations 1986) shall be fully complied with.

3.2 When a Vehicle fails a Hackney Carriage and Private Hire Test the Proprietor or driver of that Vehicle must present the Vehicle for another Hackney Carriage and Private Hire Test within **14 days** or return the licence plate to the Council. Until a pass certificate is issued the Vehicle shall not be used as a Private Hire School and Community Services vehicle.

3.3 The Proprietor of the Vehicle shall provide a copy of all Hackney Carriage and Private Hire Test certificates to the Council within **7 days** of receiving them.

3.4 If the Vehicle has been involved in an accident then the Proprietor must notify the Council within **7 days** and at the discretion of the Council, the Vehicle may have to undergo a further inspection at one of our nominated testing stations.

#### **4.0 Alteration of Vehicle**

4.1 No material alteration or change in the specification, design, condition or appearance of the Vehicle shall be made without the written approval of the Council at any time while the licence is in force.

4.2 No fixtures or fittings, except those approved in writing by the Council shall be attached to the outside of the Vehicle.

#### **5.0 Passengers**

5.1 The Proprietor of the Vehicle shall not convey or permit to be conveyed in the Vehicle, any greater number of persons than that prescribed on the licence issued by the Council and on the licence plate affixed to the rear of the Vehicle.

5.2 The Proprietor shall not allow there to be conveyed in the front of the vehicle any child below the age of ten years, unless licensed for 8 passengers, or more than one person above this age.

5.3 The Proprietor shall not without the consent of the hirer of a Vehicle convey or permit to be conveyed any other person in that Vehicle.

5.4 Any drinking vessels provided by the Proprietor or driver of the Vehicle must be made of either toughened glass or plastic.

5.5 If any passenger is under the age of 18 years, there should be no alcohol in the Vehicle.

5.6 The Proprietor shall ensure that there is sufficient means by which any person in the Vehicle may communicate with the driver.

#### **6.0 Advertising**

6.1 The Proprietor shall **not** display or permit to be displayed on or from the Vehicle any sign or notice which consists of or includes the word "Taxi" or "Cab" whether in the singular or plural or "FOR HIRE" or any word of similar meaning or appearance to any of those words whether alone or as part of another word.

6.2 Advertising on the outside of the Vehicle is restricted to the name and telephone number of the Proprietor or operator of the Vehicle. Sponsored advertising of other businesses or products or services is not permitted on the outside of the Vehicle, unless written permission is obtained from the Council.

## **7.0 Safety Equipment**

### **7.1 Luggage Rack**

A roof rack may be used only when excess luggage is to be carried. A suitable guard must be fitted in estate type vehicles to prevent luggage entering the passenger compartment should the Vehicle stop suddenly.

### **7.2 Fire Extinguisher**

A fire extinguisher must be provided to meet BS EN 31996 1Kg and maintained at all times and be readily available for use. This must be securely fixed in the Vehicle and must **not** be located in the passenger compartment. The fire extinguisher must be clearly and permanently marked with the Vehicle registration and Vehicle licence number.

### **7.3 Radio Equipment**

The Proprietor shall ensure that any radio equipment fitted to the Vehicle is at all times kept in a safe and sound condition, and maintained in proper working order.

## **8.0 Vehicle Insurance**

8.1 At all times during the period of the licence, the Proprietor shall keep in force in relation to the use of the Vehicle as a Private Hire School and Community Services vehicle a Policy of Insurance complying with the requirements of Part VI of the Road Traffic Act 1988.

8.2 The Proprietor shall produce to the Council a new Certificate of Insurance or cover note within **7 days** of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents photocopies will not be accepted.

## **9.0 Deposit of Licence**

9.1 The Proprietor shall not allow the Vehicle to be used as a Private Hire School and Community Services vehicle by any person who does not hold a current Private Hire or Private Hire School and Community Services driver licence issued by the Council.

9.2 If the Proprietor permits or employs any other person to drive the Vehicle he shall cause the driver to deposit with him his Private Hire or Private Hire School and Community Services licence for retention, until such time as the driver ceases to be permitted to drive the Vehicle.

## **10.0 Touting etc.**

10.1 The Proprietor shall not tout or solicit on a road or other public place any person to hire or be carried for hire in the Vehicle and shall not cause or procure any other person to do so either.

10.2 The Proprietor shall not cause or permit the Vehicle to stand on a road in such a manner as to suggest that it is standing or otherwise plying for hire or that it is a Hackney Carriage and in particular shall in no circumstances cause or permit the Vehicle to wait on any Hackney Carriage rank at any time.

## **11.0 Display of Conditions**

11.1 The Proprietor shall at all times, when the Vehicle is being used by farepaying passengers, have within the Vehicle, for inspection by those passengers, a copy of these conditions.

**FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.**

### **Licence Conditions: Private Hire School and Community Services Operator**

In these conditions, unless otherwise indicated;

“the Council” will mean Wokingham Borough Council

“the Operator” shall mean the holder of a licence issued by Wokingham Borough Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976

## **1.0 General**

1.1 The holder of this Licence shall comply with the relevant provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

1.2 The Operator must have a contract with Wokingham Borough Council for the provision of transport in relation to schools and/or community services.

## **2.0 Records**

2.1 The records required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or in any other manner as approved by the Council.

2.2 The Operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every private hire booking invited or accepted by him:

2.2.1 The name and address of the hirer

2.2.2 The time of the pick-up

2.2.3 The point of the pick-up

2.2.4 The destination

2.2.5 Information to include the vehicle used and driver

2.2.6 The details of the contract under which the work is carried out.

The Operator must keep these records for a period of not less than six calendar months following the date of the last entry.

2.3 The Operator shall also keep records of all vehicles operated by him. These details shall include:

- 2.3.1 details of the owner(s)
- 2.3.2 registration number
- 2.3.3 driver(s) of the vehicle, 2.3.4 any radio call sign used.
- 2.3.5 maintenance history of the vehicle

The Operator must keep these records for a period of not less than six calendar months following the date the vehicle ceases to be operated.

2.4 The Operator must keep up to date records of the names and addresses of all licensed drivers who are used by the Operator. The Operator shall notify the Council of the following:

- 2.4.1 when any driver begins service
- 2.4.2 when any driver's service ceases
- 2.4.3 any change of address of any driver in service
- 2.4.4 if they become aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties.

The Operator must keep these records for a period of not less than six calendar months following the date the driver ceases to be operated.

- 2.5 Except with reasonable excuse the Operator shall have at their operator base, at all times;
  - 2.5.1 a copy of the current driver licence issued by the Council of any driver operated by them (unless the driver used is operated by another licensed operator by a sub-contract.)
  - 2.5.2 a copy of the current vehicle licence issued by the Council of any vehicle operated by them (unless the vehicle is operated by another licensed Operator by sub-contract).

2.6 On leaving the employ of an Operator a driver or vehicle proprietor shall be entitled to receive immediately on demand the return of the copies of the licences mentioned above.

### **3.0 Standards of Service**

3.1 The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times.

3.2 The holder of this Licence shall in particular: -

- 3.2.1 Ensure that when a Private Hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless

delayed or prevented by sufficient cause, punctually attend at the appointed time and place.

- 3.2.2 Ensure the vehicle dispatched is licensed for such use by the Council and the driver of the vehicle is also licensed by Wokingham Borough Council and no other Council.
- 3.2.3 Keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting.
- 3.2.4 Ensure that any premises used by the Operator for the purpose(s) authorised by this licence shall with any conditions attached to the licence.
- 3.2.5 Ensure that any waiting area provided by the Operator has adequate seating facilities.
- 3.2.6 Ensure that the hirer is advised that if any passenger is under the age of 18 years, no alcohol will be allowed in the vehicle.
- 3.2.7 Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- 3.2.8 Ensure that the hirer is made aware, prior to booking, of the maximum number of passengers the vehicles can carry.

#### **4.0 Complaints**

4.1 The Operator shall, immediately upon receipt, notify the Council of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any), which the Operator has taken or proposes to take in respect thereof.

#### **5.0 Change of Address**

5.1 The Operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an Operator) during the period of the licence within **7 days** of such change taking place.

#### **6.0 Convictions**

6.1 The Operator shall, within **7 days**, disclose to the Council in writing details any conviction imposed on him, or if the Operator is in a company or partnership, convictions imposed on any of the directors or partners, during the period of the licence.

#### **7.0 Advertising**

7.1 The Operator shall not display or permit to be displayed on or from his premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning except where the Operator also makes Hackney Carriages available for hire.

7.2 Advertising on the outside of any vehicle is restricted to the name and telephone number of the proprietor or Operator of the Vehicle. Sponsored advertising of other



businesses or products or services is not permitted on the outside of the Vehicle, unless written permission is obtained from the Council.

## **8.0 Touting, etc.**

8.1 The Operator shall not allow drivers they operate to:

8.1.1 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

8.1.2 cause or procure any other person to tout or solicit on a road or other public place any person to hire or to be carried for hire in any Private Hire vehicle.

## **9.0 Insurance**

9.1 Any premises that provide access to members of the public must be covered by Public Liability Insurance, which indemnifies them against any claim for loss, damage or personal injury by any person using those premises.

9.2 This insurance policy must be clearly displayed at the premises.

## **10.0 Drivers and Vehicles**

10.1 An Operator licensed by the Council may only make use of drivers and vehicles licensed by Wokingham Borough Council.

10.2 The Operator must not knowingly permit a driver to drive a licensed vehicle if he is aware that the person is suffering from any illness, disability or condition, which may affect their ability to safely carry out their duties.

## **11.0 Display of Conditions**

11.1 The Operator shall display, on any premises from which he operates, for members of the public, a copy of these conditions, and the conditions attached to a vehicle and a driver licence.

### **Informative**

The Operator shall be aware that a booking accepted by telephone, or otherwise verbally, is a lawful agreement and he may be liable for breach of contract if a booking is not honoured. The accurate recording of booking details is a means of protecting yourself if such circumstances arise. If any booking is passed on to another operator, then the person who has made the booking must be informed.

**FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.**

