



Winchester
City Council

Statement of Licensing Policy with respect to Hackney carriage and Private Hire Vehicles, Drivers and Private Hire Operators

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Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

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1 Introduction

- 1.1 This information is intended to provide guidance on the licensing requirements in the Winchester City Council district under the Town Police Clauses Act 1847, as amended, and Part II of the Local Government (Miscellaneous Provisions) Act 1976. Attention is also drawn to certain provisions of the Transport Acts 1980, 1981 and 1985, and Regulations made under the Road Traffic Acts.
- 1.2 It is not intended to be an exhaustive or definitive statement of the law and all drivers, operators and proprietors must familiarise themselves with the provisions of the relevant Acts, local byelaws and conditions.
- 1.3 Winchester City Council is the Licensing Authority for hackney carriages, private hire vehicles, their drivers and private hire operators.
- 1.4 The Council reserves the right to depart from this Policy if there are, in its reasonable opinion, exceptional or compelling reasons to do so. In addition, the Council may follow any current or subsequent recommendations made by the Department for Transport, Institute of Licensing or any other national guidance issued.
- 1.5 The Council shall have regard to the any Department for Transport's Statutory Taxi and Private Hire Vehicle Standards or Best Practice Guidance, (published July 2020) and any guidance issued by the Institute of Licensing in exercising its functions, unless there are compelling local reasons not to do so.
- 1.6 The Council shall review this Statement of Licensing Policy at least every five years, with provision made for interim reviews should there be significant issues arising in the district and/or changes to relevant legislation or guidance.

Enquiries

- 1.61.7 All correspondence, applications and enquiries should be addressed to Licensing Department, Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ. If you wish to see a Licensing Officer, an appointment can be made by telephoning 01962 848 188 or email licensing@winchester.gov.uk.

Types of Licences

- 1.8 A hackney carriage (taxi) may be used to ply for hire at an authorised taxi rank, pick up passengers when "flagged down" in the street, and when pre-booked.
- 1.9 A hackney carriage may be licensed to carry up to a maximum of 8 passengers.

- 1.10 The number of saloon vehicles is limited. All other hackney carriages must be capable of carrying a wheelchair and passenger. In these cases the number of passengers which may be carried is reduced.
- 1.11 A hackney carriage driver's licence is a combined licence allowing the holder to drive both hackney and private hire vehicles.
- 1.12 Hackney carriages are also regulated by Byelaws with respect to hackney carriages and conditions made by the Licensing Authority.
- 1.13 A private hire vehicle may only be pre-booked via a private hire operator. Such vehicles may not ply for hire or take bookings other than via an operator.
- 1.14 A private hire vehicle may be licensed to carry up to a maximum of 8 passengers. There is no requirement for such vehicles to be able to carry wheelchair bound passengers, although many do.

Licence Fees and Duration

- 1.15 The fees charged by the Council for licences cover the Licensing Authority's costs of administering the licensing process. Ordinarily, Hackney carriage and private hire driver licences are/will be issued, and can be renewed, for one year or three years. A one-year licence may be issued but only in exceptional circumstances where the licensing authority thinks it is appropriate.
- 1.16 New private hire operator licences are/will be issued, and can be renewed for one or for five years.
- 1.17 All other New Vehicle licences are/will be issued and renewed annually. The fees are periodically reviewed.
- 1.18 The current fees, which are periodically reviewed, can be found on the Council's website at:

www.winchester.gov.uk/licensing

2 Hackney Carriage Vehicles

2.1 When first presented for licensing as a hackney carriage, the vehicle must be within certain **age limits**:

- a All petrol and diesel vehicles when licensed for the first time must be less than five years from the date of first registration. The vehicle must be renewed on a year by year basis at the discretion of an Authorised Officer.
- b All electric and hybrid vehicles when licensed for the first time as a hackney carriage must be less than eight years from the date of first registration. The vehicle must be renewed on a year by year basis at the discretion of an Authorised Officer.
- c All petrol and diesel hackney carriage vehicles will have a maximum end of working life age of twelve years from the date of first registration, with effect from 1 December 2021.
- d All electric and hybrid hackney carriage vehicles will have a maximum end of working life age of fifteen years from the date of first registration, with effect from 1 December 2021.
- e ~~In order to improve air quality and respond to the Council's climate emergency, all existing petrol/diesel vehicles that have a date of first registration before 1 September 2015 must be replaced by the 1 January 2023.~~

2.2 All hackney carriage vehicles presented for licensing for the first time must be wheelchair accessible vehicles (WAV), except in cases where the vehicle is to replace an existing saloon vehicle which is already licensed. Wheelchair accessible vehicles may be either side or rear loading.

2.3 All hackney carriage vehicles when licensed for the first time must be a standard white colour only.

2.4 Any vehicle presented for licensing shall be free from any significant areas of visible rusting, dents or scratches to include the following:-

- (a) PAINT WORK. All panels on a hackney carriage vehicle shall be white.
- (b) SEATS. In conventional saloon vehicles where it is intended that the licence shall be for four passengers, the rear seats must be at least 50 inches (127 cms) in width. For vehicles seating up to eight passengers, all seats must have a minimum leg room of 18 inches (46 cms) per passenger and in respect of seating comply with the Road Vehicles Registration and Licensing Regulations 1971. All seats shall be free from cuts, tears, burns or staining.

- (c) CARPETS /FLOOR COVERING. All carpets and floor coverings shall be complete and free from cuts, tears, burns or serious staining.
- (d) HEADLINING AND OTHER TRIM. All interior trim including headlining, shall be clean, complete, properly fitted and free from serious tears or major soiling.
- (e) INTERIOR. The interior shall be kept clean, tidy, free from litter and water tight.
- (f) BOOT/ LUGGAGE COMPARTMENT. This shall be kept empty except for spare wheel and essential tools. The compartment shall be clean, tidy and free of any litter or other rubbish. Any covering shall be free from major cuts, tears, staining or other damage.
- (g) WINDOWS. Vehicles with manufactured tinted glass may be licensed with no additional tinting. Applicants may request window tinting on vehicles that have clear glass where they can provide exceptional reasons why it is required, and it must be professionally applied to the satisfaction of an Authorised Officer.
- (h) WINDOW OPERATION. All passengers, except those occupying a middle seat, must be able to open adjacent windows without difficulty.

2.32.5 All hackney carriage vehicles when licensed for the first time must display a permanently fixed, approved Winchester City Council door sign on the front doors (both sides) of the vehicle.

2.4 All current licensed hackney carriage vehicles must display a permanently fixed Council approved door sign on the front doors (both sides) of the vehicle no later than 31 December 2021. The sign must meet the specification prescribed by the Council. Failure to do so will result in the licence not being renewed, suspended or revoked.

2.52.6 All hackney carriage vehicles when licensed for the first time must display the licence plate permanently fixed to the rear of the vehicle to the satisfaction of the Licensing Authority.

2.62.7 All current hackney carriage vehicles must display the licence plate permanently fixed to the rear of the vehicle to the satisfaction of the Licensing Authority no later than 30 June 2021. Failure to do so will result in the licence not being renewed, suspended or revoked.

2.72.8 All hackney carriage vehicles must display Council approved signage advising customers how they can submit a compliment, comment or complaint to the Council.

2.82.9 Purpose built and conversion vehicles should also be capable of carrying a wheelchair securely with seats that slide on rails, or individual seats that can be removed, or flip down seats, to allow more

room for luggage and wheelchairs or both. The first row of seats behind the driver must not be a bench seat.

2.92.10 All vehicles, other than saloons, must be capable of carrying a wheelchair and its passenger, and a minimum of one other passenger, and at least four passengers at any other time.

2.102.11 A converted vehicle must meet "M1" specification and should have a certificate of conversion from a reputable company and a voluntary Individual Vehicle Approval (IVA) certificate must be obtained from the DVLA. A converted vehicle will not be licensed without confirmation of this. Wheelchair accessible vehicles over 10 years of age from date of first registration do not require an IVA.

2.112.12 Wheelchairs must be capable of being secured in the vehicle with the passenger in a forward or rearward facing position.

2.122.13 Saloon vehicles must be capable of carrying four passengers.

2.132.14 Prior to licensing, and annually the vehicle must be tested and pass an MOT, and undergo a mechanical inspection. If the vehicle is under 3 years old it will require a mechanical inspection. These must be carried out at a testing station specified by the Licensing Authority.

2.142.15 The vehicle may be called in for inspection at any time by an Authorised Officer to ensure compliance. Failure to attend and show any documentation as requested may lead to suspension or revocation of licence under Section 68 of the Act.

2.152.16 All vehicles must have at least four doors. Saloon vehicles must have four doors in addition to any tailgate.

2.16 ~~The engine capacity must be not less than 1500 cc. The Licensing Manager may depart from this section of the Policy where an applicant can produce evidence of a vehicle that has a similar power to weight ratio to a 1500cc vehicle, or, where the vehicle is environmentally friendly.~~

2.17 All vehicles must be right hand drive. In exceptional circumstances a licence may be granted for a left hand drive vehicle. This will be at the discretion of the Licensing Manager.

2.18 ~~Any new or currently licensed vehicle that has been 'written off' under any Category will not be licensed. Where a licensed vehicle is involved in an accident and classes as a 'write off' under Category S or N, all vehicles must pass a further mechanical inspection check by a nominated testing station or nominated vehicle inspector and all paperwork relating to the vehicle repair must be provided to the nominated garage or inspector. If the repair is likely to have affected the steering then a full steering alignment check must be completed prior to any inspection and all paperwork must be presented to any~~

~~inspecting agent and to the Licensing Department before the vehicle is returned for use to carry passengers for hire.~~

2.18

2.19 A temporary licensed vehicle may be required in cases where a licensed vehicle has been involved in an accident or is unusable for mechanical reasons. All temporary vehicles must be of the same type/category of vehicle that it is temporarily replacing and must comply with this section of the Policy. Any licence shall be granted for a maximum of two months. Temporary licensed vehicles do not need to comply with the requirement to display permanent Winchester City Council approved door signs.

2.20 All vehicles, when licensed for the first time, must have a contactless payment device to offer payment by card in addition to accepting payment in cash.

2.21 All current hackney carriage vehicles must have a contactless payment device to offer payment by card in addition to accepting payment in cash, ~~no later than 30 June 2021~~. Failure to do this will result in the licence not being renewed, suspended or revoked.

2.22~~2.21~~ All proprietors of hackney carriage vehicles (applicants and existing proprietors) must provide to the Council a basic Disclosure and Barring Service (DBS) check certificate prior to the licensing of any vehicle. Failure to provide this may result in the application being refused. Where the proprietor is a company or partnership, all directors or partners shall be required to provide a basic Disclosure and Barring Service certificate.

2.23~~2.23~~ All proprietors (applicants and existing proprietors) are advised to register with the DBS Update Service online system. The applicant and any current proprietor must permit an Authorised Officer to check their DBS status at regular intervals (at least every 12 months) at the discretion of the Council and in line with national guidance. The Council may also authorise their current DBS provider to carry out status checks of any vehicle proprietor's DBS at regular intervals (at least every 12 months). A refusal by any vehicle proprietor to permit regular checks of any DBS will cause the licence to be refused, suspended or revoked.

2.24~~2.24~~ Where the DBS Update Service online system (or any system used by the Council's current authorised DBS provider) shows that there has been a change to the vehicle proprietor's record, a new enhanced DBS application will be required.

2.25~~2.22~~ In the case of renewals, where an applicant is unable to produce a satisfactory ~~enhanced basic~~ DBS certificate ~~or online equivalent using the DBS Update Service~~ within one month prior to the expiry date of their current licence, the licence will not be renewed.

2.262.23 Where the vehicle proprietor is already a licensed hackney carriage and/or private hire driver with Winchester City Council, they need not comply with the requirements outlined in sections 52.2123 to 52.2226 inclusive.

2.272.24 Authorised Officers will review any convictions and other relevant information disclosed on the Disclosure and Barring Service (DBS) -certificate, and this will be taken into account when deciding whether or not to grant the application. Any Authorised Officer may also contact the Police for further information surrounding a conviction, caution, arrest, charge, fixed penalty notice, community resolution or any other police investigation that has involved the applicant. This information will be used when deciding whether an applicant is a "fit and proper person". Such checks shall be carried out on initial application and during the course of a licence where there are sufficient grounds to do so.

2.25 Applicants who have spent an extended period (six months or more) (whether continuously or in total) while aged 18 or over residing outside of the UK must supply a Certificate of Good Character from the country/countries covering the relevant period. their embassy or from the country in which they have been living. This may result in more than one certificate being required. All certificates must be written in English. If this is not possible from the supplying country the applicant must employ the services of a translation service. This service must authenticate the certificate in English by confirming in writing to the Council with full details of any certificate supplied.

2.282.26 Where an applicant is unable to provide a satisfactory criminal record check or Certificate of Good Character, a licence will not be granted because the licensing authority cannot be satisfied as to their fitness and propriety.

3 Private Hire Vehicles

3.1 When first presented for licensing as a private hire vehicle, the vehicle must be within certain **age limits**:

- a All petrol and diesel vehicles when licensed for the first time must be less than five years from the date of first registration. The vehicle must be renewed on a year by year basis at the discretion of an Authorised Officer.
- b All electric and hybrid private hire vehicles when licensed for the first time must be less than eight years old from the date of first registration. The vehicle must be renewed on a year by year basis at the discretion of an Authorised Officer.
- c All petrol and diesel private hire vehicles will have a maximum end of working life age of twelve years from the date of first registration, with effect from 1 December 2021.
- d All electric and hybrid private hire vehicles will have a maximum end of working life age of fifteen years from the date of first registration, with effect from 1 December 2021.
- e ~~In order to improve air quality and respond to the climate emergency, all existing petrol/diesel vehicles that have a date of first registration before 1 September 2015 must be replaced by the 1 January 2023.~~
- fe In exceptional circumstances these age limits may be waived. For example, a classic car in excellent condition which will be used for special events only. This will be at the discretion of the Licensing Manager.

3.2 A converted vehicle should have a certificate of conversion from a reputable company and will not be accepted without such a document.

3.3 All vehicles when licensed for the first time shall be of any other colour except for white.

3.4 Any vehicle presented for licensing shall be free from any significant areas of visible rusting, dents or scratches to include the following:-

- (i) PAINT WORK. All panels on a vehicle shall be in one matching colour (excluding white).
- (ii) SEATS. In conventional saloon vehicles where it is intended that the licence shall be for four passengers, the rear seats must be at least 50 inches (127cms) in width. For vehicles seating up to eight passengers, all seats must have a minimum leg room of 18 inches (46 cms) per passenger and in respect of seating comply with the

Road Vehicles Registration and Licensing Regulations 1971. All seats shall be free from cuts, tears, burns or staining.

- (k) CARPETS /FLOOR COVERING. All carpets and floor coverings shall be complete and free from cuts, tears, burns or serious staining.
- (l) HEADLINING AND OTHER TRIM. All interior trim including headlining, shall be clean, complete, properly fitted and free from serious tears or major soiling.
- (m) INTERIOR. The interior shall be kept clean, tidy, free from litter and water tight.
- (n) BOOT/ LUGGAGE COMPARTMENT. This shall be kept empty except for spare wheel and essential tools. The compartment shall be clean, tidy and free of any litter or other rubbish. Any covering shall be free from major cuts, tears, staining or other damage.
- (o) WINDOWS. Vehicles with manufactured tinted glass may be licensed with no additional tinting. Applicants may request window tinting on vehicles that have clear glass where they can provide exceptional reasons why it is required, and it must be professionally applied to the satisfaction of an Authorised Officer.
- (p) WINDOW OPERATION. All passengers, except those occupying a middle seat, must be able to open adjacent windows without difficulty.

3.3

3.43.5 All vehicles when licensed for the first time must display permanently fixed approved Winchester City Council door signs (both sides) on the front doors of the vehicle, with the exception of those private hire vehicles undertaking corporate work only and that hold a valid plate exemption certificate issued by the Licensing Authority.

3.53.6 All current private hire vehicles must display a permanently fixed Council approved door sign on the front doors (both sides) of the vehicle ~~no later than 31 December 2024~~, with the exception of those private hire vehicles undertaking corporate work only and that hold a valid plate exemption certificate issued by the Licensing Authority. The sign must meet the specification prescribed by the Council. Failure to do so will result in the licence not being renewed, suspended or revoked.

3.63.7 All new private hire vehicles must have a licence plate permanently fixed to the rear of the vehicle to the satisfaction of the Licensing Authority, with the exception of those private hire vehicles undertaking corporate work only and that hold a valid plate exemption certificate issued by the Licensing Authority.

3.73.8 All current private hire vehicles must have a licence plate permanently fixed to the rear of the vehicle to the satisfaction of the Licensing Authority ~~no later than 30 June 2021~~, with the exception of those vehicles undertaking corporate work only and that hold a valid licence plate exemption certificate issued by the Licensing Authority. Failure to do so will result in the licence not being renewed, suspended or revoked.

3.83.9 All private hire vehicles must display Council approved signage advising customers how they can submit a compliment, comment or complaint to the Council.

3.93.10 A converted vehicle must meet “M1” specification and should have a certificate of conversion from a reputable company and a voluntary Individual Vehicle Approval (IVA) certificate must be obtained from the DVLA. A converted vehicle will not be licensed without confirmation of this. Wheelchair accessible vehicles over 10 years of age from date of first registration do not require an IVA.

3.103.11 All wheelchair accessible vehicles (WAV) must be capable of carrying a wheelchair and its passenger and a minimum of one other passenger. This vehicle can be either side or rear loading.

3.113.12 Wheelchairs must be capable of being secured in the vehicle with the passenger in a forward or rearward facing position.

3.13 All vehicles must have at least four doors. Saloon vehicles must have four doors in addition to any tailgate.

3.123.14 Prior to licensing, and annually the vehicle must undergo a mechanical inspection and all vehicles over three years old from the date of first registration must be tested and pass an MOT. If the vehicle is under 3 years old it will require a mechanical inspection. These must be carried out at a testing station specified by the Licensing Authority.

3.15 ~~The engine capacity must be not less than 1500cc. The Council or Authorised officer may depart from this section of the Policy where an applicant can produce evidence of a vehicle that has a similar power to weight ratio to a cc 1500 cc vehicle, or, where the vehicle is environmentally friendly.~~

3.16 Executive Vehicles

a In exceptional circumstances an exemption certificate may be granted to dispense with the requirement to display the licence plate and approved Council door signs. This will only be granted where satisfactory proof of “executive hiring” has been received by the Licensing Authority. Satisfactory proof must be provided to the licensing department at application and thereafter when requested by an

Authorised Officer. Failure to provide such proof will result in the exemption to display a plate and door signs being refused or withdrawn.

ab Applications to licence a vehicle for “executive hiring” must comply with the age limits of this Policy, must be in exceptional condition and built to a high specification by a luxury vehicle manufacturer to reflect the executive nature of the private hire work. Pre-application inspections of the vehicle by an Authorised Officer are recommended. Where it is considered that minor professional repairs would bring the vehicle to an acceptable standard, this may be agreed at the discretion of an Authorised Officer. Where major repairs would be required, an application will not be granted.

3.133.17 All vehicles must be right hand drive. In exceptional circumstances a licence may be granted for a left hand drive vehicle.

3.143.18 Any new vehicle or currently licensed vehicle that has been ‘written off’ under any Category will not be licensed. Where a licensed vehicle is involved in an accident and classed as a ‘write off’ under Category S or N, all vehicles must pass a further mechanical inspection check by a nominated testing station or nominated vehicle inspector and all paperwork relating to the vehicle repair must be provided to the nominated garage or inspector. If the repair is likely to have affected the steering then a full steering alignment check must be completed prior to any inspection and all paperwork must be presented to any inspecting agent and to the licensing section before the vehicle is returned for use to carry passengers for hire.

3.153.19 A temporary licensed vehicle may be required in cases where a licensed vehicle has been involved in an accident or is unusable for mechanical reasons. All temporary vehicles must be of the same type/category of vehicle that it is temporarily replacing and must comply with this section of the Policy. A licence shall be granted for a maximum of two months. Temporary licensed vehicles do not need to comply with the requirement to display permanent Winchester City Council approved door signs.

3.163.20 All private hire vehicles, when licensed for the first time, must carry a contactless payment device to take payment by card in addition to accepting payment in cash.

3.173.21 All current private hire vehicles must carry a contactless payment device to offer payment by card in addition to accepting payment in cash, no later than 30 June 2021. Failure to do this will result in the licence not being renewed, suspended or revoked.

3.183.22 Private hire vehicles that are used to carry out pre-paid or contract work only are exempt from the requirements at 6.18 and 6.19 above, and are not required to carry a contactless payment device

unless required by the operator.

3.193.23 All proprietors of private hire vehicles (applicants and existing proprietors) must provide to the Council a basic Disclosure and Barring Service (DBS) check certificate prior to the licensing of any vehicle. Failure to provide this may result in the application being refused.

3.20 All proprietors (applicants and existing proprietors) are advised to register with the DBS Update Service online system. The applicant and any current proprietor must permit an Authorised Officer to check their DBS status at regular intervals (at least every 12 months) at the discretion of the Council and in line with national guidance. The Council may also authorise their current DBS provider to carry out status checks of any vehicle proprietor's DBS at regular intervals (at least every 12 months). A refusal by any vehicle proprietor to permit regular checks of any DBS will cause the licence to be refused, suspended or revoked.

3.21 Where the DBS Update Service online system (or any system used by the Council's current authorised DBS provider) shows that there has been a change to the vehicle proprietor's record, a new enhanced DBS application will be required.

3.223.24 In the case of renewals, where an applicant is unable to produce a satisfactory basic enhanced certificate or online equivalent using the DBS Update Service within one month prior to the expiry date of their current licence, the licence will not be renewed.

3.233.25 Where the vehicle proprietor is already a licensed hackney carriage and/or private hire driver with Winchester City Council, they need not comply with the requirements outlined in sections 3.236.21 to 3.246.25 inclusive.

3.243.26 Authorised Officers will review any convictions and other relevant information disclosed on the Disclosure and Barring Service (DBS) certificate, and this will be taken into account when deciding whether or not to grant the application. Any Authorised Officer may also contact the Police for further information surrounding a conviction, caution, arrest, charge, fixed penalty notice, community resolution or any other police investigation that has involved the applicant. This information will be used when deciding whether an applicant is a "fit and proper person". Such checks shall be carried out on initial application and during the course of a licence where there are sufficient grounds to do so.

3.27 a Applicants who have spent an extended period (six months or more) (whether continuously or in total) while aged 18 or over residing outside of the UK must supply a Certificate of Good Character from the country/countries covering the relevant period their embassy or from the country in which they have been living. This may result in more than

one certificate being required. All certificates must be written in English. If this is not possible from the supplying country the applicant must employ the services of a translation service. This service must authenticate the certificate in English by confirming in writing to the Council with full details of any certificate supplied.

b Where an applicant is unable to provide a satisfactory criminal record check or Certificate of Good Character, a licence will not be granted because the licensing authority cannot be satisfied as to their fitness and propriety.

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4 Private Hire Operators

- 4.1 A private hire operator dispatches a private hire vehicle to a customer. An operator may have just one or a fleet of vehicles under their control.
- 4.2 An applicant for a private hire operator licence must be a “fit and proper person” to hold such a licence. Where the applicant is a company or partnership, all directors and/or partners must be considered ‘fit and proper’ prior to a licence being granted.
- 4.3 Pursuant to the Immigration Act 2016, applicants must prove that they have a “right to work” in the UK. Where the applicant is a company or partnership, all directors and/or partners must provide satisfactory documentation to provide their “right to work” in the UK. Failure to provide satisfactory documentation will result in the application being refused.
- 4.4 The Licensing Authority reserves the right to provide documentation or information to the Home Office where it is considered appropriate to do so in the interests of complying with legislation or to protect the public.
- 4.5 An applicant or current licence holder must disclose to the Licensing Authority if they hold or have previously held a licence with another authority.
- 4.6 An applicant or current licence holder must disclose to the Licensing Authority if they have had an application for a licence refused, or a licence revoked or suspended by another ~~other~~-licensing authority.
- 4.7 An applicant must supply a Basic Disclosure and Barring Service (DBS) certificate. Where the applicant is a company or partnership, all directors and/or partners must provide this. The disclosure is required on application for the grant of a licence and every year thereafter.
- 4.8 A basic Disclosure and Barring Service (DBS) certificate can be obtained from ~~TaxiPlus (formerly Personnel Checks)~~ <https://orders.personnelchecks.co.uk/taxis/winchester/> Telephone 01264 355679. Alternatively through www.gov.uk www.gov.uk/request-copy-criminal-record Telephone 0300 0200 190.
- 4.9 ~~The Licensing Authority strongly encourages operators to register with the DBS Update Service online system. The applicant and any current operator must permit an Authorised Officer to check their DBS status at regular intervals (at least every 12 months) at the discretion of the Council and in line with national guidance. The Council may also authorise their current DBS provider to carry out status checks of any Council licensed operator's DBS at regular intervals (at least every 12 months). A refusal by any operator or operator's member of staff to~~

~~permit regular checks of any DBS will cause the licence to be refused, suspended or revoked.~~

4.104.9 An applicant for a private hire operator licence who also holds, or is applying for a hackney carriage or private hire driver licence, is required to have an enhanced DBS check when applying for the driver licence. Therefore, it will not be necessary for the applicant to have a further DBS check for the operator application. Where any hackney carriage and/or private hire driver ceases to hold such a licence but continues to hold a private hire operator's licence, a basic Disclosure and Barring Service (DBS) certificate will be required immediately and the private hire operator's licence may be suspended until this is received by the Licensing Authority.

4.114.10 All private hire operators must maintain a register of names and addresses of any staff employed to make the provision for bookings and/or dispatch vehicles on their behalf. These staff (not licensed drivers) must provide a Basic Disclosure and Barring Service (DBS) certificate to the operator and the Licensing Authority prior to the start of employment.

4.124.11 All new applicants must provide a copy of their procedure on employing ex-offenders to the Licensing Authority, which must include details of how often a basic Disclosure and Barring Service (DBS) certificate is required and details of how the operator shall ensure that new staff members disclose any convictions whilst they are employed in that role. This policy shall cover employment of ex-offenders in roles where they will be responding to booking requests and/or dispatching vehicles.

4.13 ~~All current private hire operators must provide a copy of their procedure on employing ex-offenders to the Licensing Authority no later than 31 March 2022.~~

4.144.12 All new applicants must provide a copy of their complaints procedure which must be to the satisfaction of the Licensing Authority prior to any licence being issued. A complaints procedure may be recorded on paper or computer and must show the date, name, contact details, nature of complaint, how rectified and date and by which staff member.

4.154.13 New applicants will be granted a licence for ~~one or~~ five years. ~~The Council reserves the right to withhold issuing a five year licence where there are reasonable grounds to do so.~~

5 Hackney Carriage and Private Hire Driver Licences

5.1 Ability to Communicate in English

Licence holders will need to be able to engage with passengers and must therefore be able to understand and converse in English to an adequate standard for this purpose. This is assessed by means of ~~an~~ interview with a licensing officer and any test the Licensing Authority deem appropriate to ensure that the applicant is a 'fit and proper' person to hold a licence.

5.2 Driving Licence

- a Applicants must be 21 years of age or more and have held a full driving licence for at least 12 months, granted by a country which belongs to the European Union or is within the European Economic Area (Iceland, Liechtenstein, and Norway are not in the EU, but are members of the EEA). An applicant from any country outside of these is required to pass a UK driving test and hold a full driving licence for at least 12 months before re-applying. The Council reserve the right to assess every driving licence in line with Government or Institute of Licensing recommendations or national guidance.
- b All applicants must consent to allow the Licensing Authority to check their Driving Licence online. The Authority will check which categories of vehicle the applicant is entitled to drive and any penalty points or disqualifications. Failure to consent to Authorised Officers obtaining this information shall result in the application being refused or current hackney carriage/private hire driver's licence being suspended or revoked.

5.3 Entitlement to Work in UK

- a Pursuant to the Immigration Act 2016, applicants must prove that they have a "right to work" in the UK. Failure to provide satisfactory documentation will result in the application being refused. ~~Further~~ evidence may be required on renewal of a hackney carriage or private hire driver's licence, where considered necessary in the interests of protecting the public.
- b The Licensing Authority reserves the right to provide documentation or information to the Home Office where it is considered appropriate to do so in the interests of complying with legislation or to protect the public.

5.4 Certificate of Good Character~~Assessing Applicants' Fitness and Propriety~~

- a Applicants who have spent ~~an extended period~~ ~~(six months or more)~~ ~~(whether continuously or in total)~~ while aged 18 or over residing ~~outside~~

of the UK must supply a Certificate of Good Character from the country/countries covering the relevant period.their embassy, home country or from the country in which they have been living. This may result in more than one certificate being required. All certificates must be written in English. If this is not possible from the supplying country the applicant must employ the services of a translation service. This service must authenticate the certificate in English by confirming in writing to the Council with full details of any certificate supplied.

- b** Where an applicant is unable to provide a satisfactory criminal record check or Certificate of Good Character, a licence will not be granted because the licensing authority cannot be satisfied as to their fitness and propriety.

5.5 Other Licences

- a** An applicant or current licence holder must disclose to the Licensing Authority if they hold or have previously held a licence with another authority.
- b** An applicant or current licence holder must disclose to the Licensing Authority if they have had an application for a licence refused, or a licence revoked or suspended by another other licensing authority.

5.6 National Register of Refusals, Revocations and Suspensions (NR3S)

- a** The Council is registered to record and search for driver revocations, refusals or suspensions under The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. This enables Licensing Authorities to check if an applicant or current licence holder has had a licence revoked, refused or suspended by any authority in England.
- b** A search of the NR3S register will be carried out for all driver applications. If a search shows a record entered by another authority, the Council will contact the relevant authority to request further information. Any information provided will be used to assess if the applicant is a 'fit and proper' person to be granted a licence.
- c** The Council will record all driver revocations, refusals and suspensions of licences on the NR3S register. This information will remain on the register for the period prescribed under current legislation or Guidance.

5.65.7 Disclosure and Barring Service (DBS) Check

- a** All applicants must apply for an **enhanced** Disclosure and Barring Service (DBS) certificate, including checks of the Barred Lists, using the Council's approved provider only. Full information on how to apply for an enhanced DBS can be found on the Council's website. A basic or standard DBS certificate will not be accepted.

- | b Authorised Officers will review any convictions or cautions and other relevant information disclosed, including whether the individual is on the Barred List(s). This will be taken into account when deciding whether or not to grant the application in accordance with the Policy on Criminal Convictions and Suitability. Any Authorised Officer may also contact the Police, using Common Law Police Disclosure, for further information surrounding a conviction, caution, arrest, charge, fixed penalty notice, community resolution or any other police investigation that has involved the applicant. This information will be used when deciding whether an applicant is a “fit and proper person”. Such checks shall be carried out on initial application and during the course of a licence where there are sufficient grounds to do so.
- | c Notwithstanding the Licensing Authority’s requirements for an enhanced Disclosure and Barring Service (DBS) certificate and checks of the Barred Lists, applicants **MUST** disclose full details of any criminal convictions (including any “spent” convictions under the Rehabilitation of Offenders Act 1974), cautions, charges, arrests, fixed penalty notices, community resolutions or any other police investigation on the application form. Failure to disclose this information that is subsequently disclosed on the Disclosure and Barring Service check or discovered by any other means will be taken into account when considering their application. Failure to notify of a conviction on an application form is also a criminal offence and is likely to result in the application being refused.
- | d All applicants and existing drivers are required to register with the DBS Update Service online system. The applicant and any current driver must permit an Authorised Officer to check their DBS status at regular intervals (at least every 6 months) at the discretion of the Council and in line with national guidance. The Council may also authorise their current DBS provider to carry out status checks of any Council licensed driver’s DBS at regular intervals (at least every 6 months). A refusal by any applicant or current driver to permit regular checks of any DBS will cause the licence to be refused, suspended or revoked.
- | e Where the DBS Update Service online system (or any system used by the Council’s current authorised DBS provider) shows that there has been a change to the applicant’s record, a new enhanced DBS application (with checks of the Barred Lists) must be submitted using the Council’s approved provider immediately, will be required. In these cases, current drivers can expect their hackney carriage and/or private hire driver’s licence to be suspended or revoked pending sight of a new Enhanced DBS certificate and Council’s decision on the change to their criminal record.
- | f Where a licence holder fails to register with the DBS Update Service, they shall be subject to 6 monthly enhanced DBS checks (with checks of the Barred Lists).

- g In the case of renewals, where an applicant is unable to produce a satisfactory enhanced DBS enhanced-certificate (with checks of the Barred Lists) or online equivalent using the DBS Update Service dated within one month prior to the expiry date of their current licence, the licence will not be renewed.

5.75.8 Safeguarding

- a All applicants must pass the Council's approved Safeguarding Awareness training before a Driver or Operator Licence is granted. The pass certificate must be submitted to the Licensing Authority as part of the application process.
- b ~~All hackney carriage and private hire drivers licensed before 25 February 2019 must pass the Council's approved Safeguarding Awareness training no later than 31 October 2019. Failure to do so will result in their licence not being renewed, suspended or revoked. The pass certificate must be provided with the application to renew a hackney carriage and/or private hire driver's licence.~~
- b All hackney carriage and/or private hire drivers and private hire operators will be required to update their safeguarding training upon the Council's request using a Safeguarding Training Provider/assessment approved by the Council.
- c ~~All current drivers whose licence expires after 1 June 2026, will be required to pass Safeguarding refresher training by a Council approved provider every three years as a condition of the grant of their licence. Any licence holder who does not complete the refresher training by their licence expiry date can expect their licence not to be renewed.~~

5.85.9 Driving Standards

- a In addition to possessing a driving licence issued by a relevant country, all new applicants are required to undertake the Blue Lamp Trust taxi driving assessment test (or any other driving assessment or training which the Licensing Authority considers appropriate) and produce a pass certificate.
- b ~~Contract drivers licensed for Schools and Disabled Contracts are exempt from 8.7a above, where the contracting authority carries out its own assessment of driving standards which is to the satisfaction of the Licensing Authority.~~
- eb An Authorised Officer may require any licensed hackney carriage or private hire driver to undergo and pass a driving assessment test, or training, which is considered appropriate e.g. Blue Lamp Trust, where satisfied that the driver's standard of driving or general conduct are such that an assessment is desirable.

5.95.10 Wheelchair Assessment

- a Any hackney carriage or private hire driver who drives a Wheelchair Accessible Vehicle must complete and pass an approved Wheelchair Safety Assessment with a training provider approved by the Licensing Authority e.g. The Blue Lamp Trust. A pass certificate must be presented to the Licensing Authority prior to that driver being authorised to drive a Wheelchair Accessible Vehicle.

5.105.11 Wheelchair Exemptions

- a An exemption ~~to~~for the requirement to transport wheelchairs ~~users~~ may be granted to drivers who provide written evidence issued by a medical professional confirming that they are unable to safely ~~load and~~ secure a wheelchair ~~user bound passenger~~ into their vehicle, to the satisfaction of the Licensing Authority.

5.115.12 Disability Awareness Training

- a All applicants must complete and pass approved disability awareness training with a training provider approved by the Licensing Authority e.g. Blue Lamp Trust. A pass certificate must be presented to the Licensing Authority as part of the application process.
- b ~~All current licensed drivers must pass approved disability awareness training with a training provider approved by the Licensing Authority no later than 1 March 2022. A pass certificate must be presented to the Licensing Authority. Failure to do so will result in the licence not being renewed, suspended or revoked.~~

5.125.13 Knowledge Test

- a All driver applicants are required to take and pass a knowledge test appropriate to the type of driver licence that they have applied for. Tests are conducted by the Licensing Authority on a regular basis. The test will be conducted in English only. Payment for the test will be made in advance and failure to attend without prior notice shall mean forfeiture of any monies paid. Information regarding the knowledge tests can be found on the Council's website at www.winchester.gov.uk/licensing.
- ab All applicants are required to take and pass modules including but not limited to; Policy & Conditions, Highway code and Numeracy.
Applicants for a Hackney Carriage and Private Hire Driver's Licence are expected to have a greater understanding of the Council's district and will be required to pass relevant modules to assess this. All Private Hire Driver applicants will be required to show basic understanding of locations and roads within the Council's district and will be required to pass the relevant modules of the test.

- bc An Authorised Officer may include additional modules to the knowledge test where it is considered appropriate or necessary to ensure that the applicant is a 'fit and proper person' and in the interests of public safety.
- ed The pass mark for all tests is 80% in each section.
- d ~~Where an applicant applies to work for a private hire operator who does not primarily provide a service in the Winchester Town area (i.e the five Town Wards together with Oliver's Battery & Badger Farm, and The Worthys), certain modules of the test may not be required.~~
- e ~~Where an applicant or current driver opts to amend their working practices in order to work primarily in the Winchester Town area they shall notify the Licensing Authority and pass the relevant knowledge test prior to commencement.~~
- f ~~Drivers licensed for Schools and Disabled Contracts only will only be required to pass modules which are relevant to the work that they will be undertaking. Where the contracting authority carries out its own assessment of the required knowledge, applicants are exempt from the requirement to undergo a knowledge test. Evidence of completion of a knowledge test with the contracting authority must be submitted to the Licensing Authority for consideration.~~
- gf In circumstances where a licensed driver's knowledge or conduct is in question, such as following a complaint, an Authorised Officer or Licensing Sub-Committee may require a driver to complete relevant modules of the knowledge test within a time specified.
- hg An Authorised Officer may require current licence holders to pass relevant modules of the knowledge test where it is considered necessary to ensure that they are a fit and proper person and/or in the interests of public safety.
- ih An applicant who was previously licensed with this Council less than three years from the date of application who originally passed the knowledge test relevant to their application will not be required to re-take the knowledge test.

5.135.14 Practical Knowledge Test

- a All new applicants who have passed an approved Driving Assessment Test and knowledge test, may prior to, or after, a licence being issued be required to take a practical knowledge test. This test allows the applicant to prove that they have a practical knowledge of the area. Should the applicant demonstrate a poor knowledge of the area, they will not be issued with a licence and are advised to spend a reasonable amount of time driving around Winchester and surrounding areas, before making a further appointment to demonstrate their increased knowledge.

- b An Authorised Officer will determine whether an applicant has demonstrated a practical knowledge of the area to which the application applies.

5.145.15 Medical Fitness

- a All applicants must undergo and pass a medical examination that meets the DVLA Group 2 Medical Standards of fitness to drive and must provide a medical assessment form completed by the examining doctor. This must be provided to the Licensing Authority no later than 28 days from the date of the examination.
- b A medical examination is to be carried out on initial application and every fifth year thereafter, until the age of 65 years and every year thereafter.
- c The examination must take place at the surgery where the applicant is registered in order that the examining doctor has access to their full medical records, or at another surgery provided that the examining doctor has access to the applicant's full medical records.
- d Any Authorised Officer may require any licensed driver to undergo a medical examination with an approved medical provider, where satisfied that a condition has arisen which might affect the person's fitness to drive a licensed vehicle. This may result in the current driver's licence being suspended or revoked.
- e Where the applicant has been diagnosed with Diabetes Mellitus, other than that treated by diet only, applicants must provide on renewal of their hackney carriage or private hire driver licence, or every 12 months in the case of a driver with a 3 years driver licence (when a medical report is not due) confirmation that they meet the DVLA Group 2 Medical Standards of fitness to drive in the form prescribed by the Licensing Authority. This must be signed by the applicant's registered GP or a diabetic consultant.

5.16 HMRC Tax Conditionality

- a In April 2022, HMRC introduced a tax registration check for all hackney carriage and/or private hire driver, and private hire operator renewal applications in England and Wales.
- b All applicants for renewal of a hackney carriage and/or private hire driver's licence or private hire operator's licence must provide a 'share code' to allow the Council to carry out a tax check before deciding if a licence can be renewed.
- c Where an applicant fails to provide a 'share code', a licence will not be renewed.

5.155.17 New applicants

- a If an applicant has not fulfilled all of the above criteria within 12 months of submitting an application to drive a hackney carriage and/or private hire vehicle, the application will be refused.
- b Where an applicant has been refused a licence due to not completing the above criteria within 12 months, applicants must wait no fewer than 3 months from the date of refusal before re-submitting an application for a licence to drive a hackney carriage and/or private hire vehicle.

5.165.18 Duration of licence

- a New hackney carriage and private hire driver licences ~~are shall be granted annually or~~ for three years. ~~The Licensing Authority reserves the right to withhold issuing a three year licence where there are reasonable grounds to do so. A one-year licence may be issued but only in exceptional circumstances where the licensing authority thinks it is appropriate. For example, where the applicant's leave to remain in the UK is time-limited.~~

6 Hackney Carriage and/or Private Hire Driver, Vehicle Proprietor and and Private Hire Operator Criminal Convictions and Suitability Policy

6.1 This Policy applies to all applicants and current licence holders, the following:-

- a Applications for a Hackney Carriage or Private Hire Driver's Licence;
- b Revocation of an existing Hackney Carriage or Private Hire Driver's Licence;
- c Suspension of an existing Hackney Carriage or Private Hire Driver's Licence.

6.2 In determining safety and suitability, the Council is entitled to take into account all matters concerning that applicant or licence holder, not just behaviour whilst working in the hackney carriage and private hire trade. This will include but is not limited to, the individual's attitude and temperament. The categories of behaviour in this Policy are introduced as "offences" which may or may not lead to convictions. Any such behaviour will be taken into account, whether or not it resulted in convictions or other sanctions.

6.26.3 All decisions on the suitability of an applicant or current licence holder may will be made on the balance of probability; that is, absence of a conviction does not mean that an applicant -or current licence holder will necessarily be granted a licence or have their licence renewed. Each case of whether an applicant or current licence holder is 'fit and proper' will be decided on its own merits and decisions will be made in the interests of public safety. The question of whether a person is a 'fit and proper' person will be based on the following standard:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual will not be granted or continue to hold a licence.

6.36.4 **An arrest and release, charge, conviction, caution, fixed penalty or community resolution must be disclosed and will be assessed under the character of applicant or current licence holder if deemed appropriate. Furthermore, the Licensing Authority may take into consideration conduct that has not resulted in any police investigation or criminal conviction.**

6.46.5 **Failure by an applicant or current licence holder to disclose an arrest, charge, conviction, caution, fixed penalty notice or community resolution that the Licensing Authority is subsequently advised of may be seen as behaviour that questions honesty and therefore the suitability of the applicant or current licence holder, regardless of the outcome of the initial investigation.**

6.6 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction as it follows an admission of guilt. Fixed penalties and community resolutions will also be considered in the same way as a conviction as these follow acceptance of guilt for a fixed penalty and admission of guilt for community resolutions.

6.56.7 A person with a conviction or caution for certain crimes will not normally be permanently barred from obtaining a licence but is expected to remain free of conviction for between 5 and 10 years, depending on the seriousness of the offence and the relevant circumstances, before an application is considered. However, persons with convictions of a sexual or child-related nature or other very serious crime will not normally be issued with a licence.

6.8 Winchester City Council reserves the right to extend the number of years free from conviction or caution depending on the severity and/or the number of offences. Multiple convictions or continued offending over any period of time will be of significant concern. An applicant or licence holder with any pattern or trend of repeated offending will not be granted a licence, or the current licence revoked.

6.9 Where an applicant or licence holder is convicted of an offence, or has evidence of unsuitable behaviour, which is not detailed in this Policy, the Council will take that conviction and/or behaviour into account and use any published guidance to Licensing Authorities as an indication of the approach that should be taken.

6.10 Offences will not necessarily be disregarded on the basis that they are "spent" convictions according to the relevant provisions of the Rehabilitation of Offenders Act 1974. These provisions do not apply to hackney carriage and private hire drivers but whether or not Winchester City Council considers that the safety of the public may be put at risk if a licence was granted. Any declared "protected convictions" and "protected cautions" cannot be considered.

6.11 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

6.66.12 The Council will not ~~ordinarily be granted grant a licence~~ to any individual that appears on ~~either the children or adult~~any Barred List.

Offences resulting in Death

6.76.13 Where an applicant or current driver has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed or will have their current licence revoked.

Offences involving ~~Exploitation~~ and criminal harassment

6.86.14 Where an applicant or current driver has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed or will have their current licence revoked. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, stalking without violence, but this is not an exhaustive list.

Offences involving violence against persons, property, animals or the State

6.15 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where the offence of violence was committed against a child or vulnerable adult, a licence will never be granted. Any current driver convicted of a violent this type of-offence can expect their licence to be revoked.

Offences involving Public Order

6.96.16 Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years. Any current driver convicted of this type of offence can expect their licence to be revoked.

Offences involving Possession of a weapon

6.106.17 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Offences involving ~~Sex, and~~ indecency or obscene materials offences

6.116.18 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment. Any current driver convicted of this type of offence can expect their licence to be revoked.

6.126.19 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Offences involving Dishonesty

6.20 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any

sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Offences involving Alcohol abuse, Misuse or Dependency

6.21 Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased. Any current driver convicted of this type of offence can expect their licence to be revoked.

Offences involving Drugs abuse, Misuse or Dependency

6.136.22 Where an applicant has any conviction for, or related to, the production, import, trade in or supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

6.23 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. Any current driver convicted of this type of offence can expect their licence to be revoked.

6.146.24 If there are indications that an applicant or licence holder has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

6.25 Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or provide mobility assistance. Any current driver convicted of this type of offence can expect their licence to be revoked.

Offences involving Regulatory non-compliance

6.156.26 Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements. Serious consideration would be made as to whether they are a safe and suitable person to hold a licence.

Motoring offences convictions

6.166.27 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. ~~It is accepted that offences can be committed unintentionally, and a~~ single occurrence of a minor traffic offence would not prohibit the granting of a licence ~~or result in the revocation of an existing licence. However, multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally. Each case will be considered on its own merits and decisions will be based on public safety. Subsequent convictions suggest that the licence holder may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.~~

6.17 Any motoring conviction during the period of licence demonstrates that the driver may not take their professional responsibilities seriously. ~~It is accepted that offences can be committed unintentionally, and a~~ single occurrence of a minor traffic offence may not necessitate the revocation of a hackney carriage or private hire drivers licence provided that the Licensing Authority considers that the driver remains a fit and proper person to retain a licence. However, subsequent convictions reinforce the fact that the licence holder does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence. ~~Each case will be considered on its own merits and decisions will be based on public safety.~~

Drink driving/driving under the influence of drugs/using a hand held telephone or hand held device whilst driving

6.186.28 Where an applicant has a conviction for drink driving or driving under the influence of drugs, ~~or failing to provide a specimen in relation to a driving matter,~~ a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. Any current driver convicted of this type of offence can expect their licence to be revoked.

6.29 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban disqualification imposed, whichever is the later. Any current driver convicted of this type of offence can expect their licence to be revoked.

6.30 Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in "Penalty points (endorsements)". They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 or 11 years from the date of the conviction. or the date of the offence depending on the type of offence (see "Penalty points (endorsements)"

6.31 By attaining 7 or more penalty points on their DVLA licence, a driver is demonstrating they may not be fit and proper and therefore the licence holder is required to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice. Failure to do so strongly suggests the driver is not fit and proper and will not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.

6.32 Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence. Any current driver convicted of this type of offence can expect their licence to be revoked.

6.33 Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will have their licence revoked and not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.

6.34 Any driver who has been disqualified as a result of "totting-up", which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.

6.196.35 Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders reported to the council will

consider a period of suspension depending on the severity and frequency of the incidents reported.

Other motoring offences

6.20 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has nine or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least three years have elapsed since the completion of any sentence or driving ban imposed.

6.21 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Hackney carriage and private hire offences

6.226.36 Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating concerned with or connected to hackney carriage or private hire activity (excluding vehicle use) not covered elsewhere in the Policy, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

Vehicle use offences

6.236.37 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Any current driver convicted of this type of offence can expect their licence to be revoked.

6.38 Applications would not normally be approved from licensed drivers who had been convicted of an offence where the offence was carried out whilst the applicant was acting as a hackney carriage or private hire driver, or where commissioning of the offence related to the applicant's driver's licence.

Behaviours

6.39 Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour will be addressed to maintain confidence in the taxi

trades and to stop unwanted behaviours before they evolve into criminal acts.

6.40 Behaviours such as

- Asking a passenger for their contact or social media details
- Asking personal or intimate questions
- Inappropriate physical contact with passengers or invade their personal space
- Inappropriate conversations, questions or behaviour

This is more important if the passenger is a lone vulnerable individual.

6.41 Except in the most serious of cases, drivers will be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour maybe perceived by a vulnerable passenger.

6.42 If the behaviour is repeated, and on the balance of probability, considered to be predatory in nature then any applicant will not be licensed, and a current licence holder can expect their licence to be revoked.

General

6.246.43 The Licensing Authority may exercise discretion where an offence is isolated and there are mitigating circumstances. However, the overriding consideration in all cases is the protection of the public.

6.256.44 An Authorised Officer may contact the Police for further information surrounding a conviction or caution and use this information when deciding whether an applicant is a “fit and proper person”.

6.266.45 An Authorised Officer has delegated authority to issue hackney carriage and/or private hire drivers licences. In any case where they consider it appropriate, they may refer the application to the Licensing Sub-Committee for a determination as to whether or not an application for a licence should be granted or, where a licence has already been granted, whether that licence should be suspended or revoked.

6.276.46 ~~The Licensing Authority accepts that where~~ an applicant or licence holder has been found guilty of a criminal offence, the Court will have imposed what it considers to be an appropriate penalty for that offence. Accordingly, in considering convictions for such offences, the Sub-Committee dealing with a case should not ‘re-try’ any offence for which the applicant or licence holder has pleaded guilty or been found guilty by a court of law. However, it should take into account the type and nature of the offence, and the penalty imposed, and should bear in mind the fact that the paramount consideration is the protection of the public.

6.286.47 For the same reason, offences will not be disregarded simply on the basis that the offender has served his or her sentence, and has therefore

paid the appropriate penalty for his or her crime. In considering whether to grant an application for a licence, or to revoke an existing licence, the Sub-Committee will be determining whether or not the public would be adequately protected should a licence be granted or not revoked, rather than whether to impose a penalty.

6.296.48 The Licensing Authority considers that in determining applications for hackney carriage and private hire licences, or deciding whether to revoke or suspend such licences, the Sub-Committee proceedings constitute “proceedings before a quasi-judicial authority” within the meaning of Section 4(6) of the Rehabilitation of Offenders Act 1974, and therefore, where the Sub-Committee hearing a case considers that justice cannot be done except by admitting evidence relating to spent convictions, such evidence may be admitted in accordance with Section 7 of that Act. Given the need to protect the public, it is likely that in the case of spent convictions involving serious offences (e.g. death by dangerous driving, drugs, violence, sexual offences or offences of an habitual nature), evidence of such convictions will be admitted.

6.306.49 Where a hackney carriage and/or private hire drivers licence is revoked, or an application refused, the Council will consider whether it is appropriate to make a referral to the Disclosure and Barring Service (DBS) under the Safeguarding Vulnerable Groups Act 2006. This decision will be based on whether the licence holder or applicant has:

- harmed or poses a risk of harm to a child or vulnerable adult;
- satisfied the ‘harm test’ outlined by the DBS; or
- received a caution or conviction for a relevant offence; and
- has or might in the future be working in regulated activity.

If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a Barred List. This will enable other licensing authorities to consider this should further applications to other authorities be made.

6.316.50 Where a hackney carriage and/or private hire drivers licence is revoked, or an application refused, on public safety grounds, the Council will consider whether it is appropriate to notify the police of the revocation or refusal.

6.326.51 It is an offence, punishable by up to seven years imprisonment upon conviction, for any person knowingly or recklessly to make a false statement or to omit any material details when giving information required in an application for a licence. With regard to questions concerning previous convictions, the applicant’s attention is drawn to the provisions of section 4(2) of the Rehabilitation of Offenders Act 1974. This, in summary, provides that any such question shall be treated as not relating to “spent” convictions as defined in that Act. Applicants, applicants are also notified that Sections 4 (2), and 6 and 7 of this Act provide that the Local Authority may admit

evidence of “spent” convictions which are relevant in determining whether an applicant is a fit and proper person to hold a licence.

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7 Enforcement and Compliance

7.1 Holders of hackney carriage and private hire drivers, vehicles and operators, Drivers and Vehicles licences are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, the Council's Byelaws and Conditions.

7.2 If operators, drivers or vehicle proprietors commit an offence or breach of those rules, regulations or conditions of licence, persons involved may be asked to attend the Council offices for an interview and, when investigations are completed, may receive a letter detailing the outcome. A copy is placed on the person's file. The outcome of investigations may result in immediate revocation or suspension of any licence, no further action, penalty points being awarded, a formal warning or referral to the Licensing Sub-Committee and/or prosecution.

7.3 The Council shall retain records of any complaints made with respect to Hackney Carriage and Private Hire Drivers, Vehicles and Private hire Operators. These records may be used in assessing a Licence Holder's fitness and propriety to hold a licence and may result in formal action taken against a licence where deemed appropriate.

7.4 The aim of a penalty points scheme is that it should work in conjunction with other enforcement options. It provides a formalised, stepped, enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of a licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person to hold a licence. It does not prejudice the Council's ability to take other action.

7.5 The primary objective of the penalty points scheme is to improve the levels of compliance and help improve standards, and to ensure the safety and protection of the travelling public.

7.6 Any penalty points imposed remain on a licence holder's record for a 12 month period. This period is on a roll-forward basis, so as to allow any points imposed 12 months or more earlier to be considered as spent and therefore excluded from the running total recorded against any individual licence holder.

7.7 In the event that a licence holder commits an offence or breaches a condition as listed in the penalty points table below they may be awarded the number of points applicable to the circumstances as shown in the table for the breach/offence.

7.8 **Issue of Penalty Points**

7.9 Breaches of conduct will be subject to investigation by Authorised Officers and may be referred to the Licensing Sub-Committee for consideration. Penalty points may be issued by an Authorised Officer. Alternatively, the Licensing Sub-Committee can impose between 1 and 12 discretionary points as shown in the table. The penalty points table is to be used as a guide only,

the Authorised Officer or Licensing Sub-Committee can depart from this table to award points for any offence or behaviour that is not covered.

- 7.10 Where a licence holder accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Council's Licensing Sub-Committee to decide whether the licence holder is a fit and proper person to hold a licence. The Licensing Sub-Committee may then suspend a licence, revoke a licence, issue a warning to the licence holder and/or require the licence holder to undertake additional training or assessments. The Licensing Manager will have the discretion to revoke or suspend any licence immediately following receipt of information regarding a serious incident that involves any licence holder.
- 7.11 Penalty points will remain current for 12 months from the date the penalty points are issued. Points issued to the proprietor of a vehicle, private hire operator or a driver will typically be confirmed in writing within 10 working days from the discovery of the contravention. This period may be extended in the event that the Licensing Authority requires more time to conduct their investigation, in which case the licence holder will be advised that the outcome of the investigation is pending.
- 7.12 The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
- 7.13 Any disputes regarding the issuing of penalty points will be referred to the Licensing Sub-Committee who will have the discretion to vary the points. However, in appealing to the Sub-Committee, drivers should be made aware that if the complaint is upheld, the Sub-Committee may decide to award more points than had been originally awarded.
- 7.14 Where a driver wishes to appeal the issue of penalty points to a Licensing Sub-Committee they must inform the Licensing Authority, in writing, within 21 days from the date of issue.
- 7.15 If points are issued to a proprietor/.driver for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person(s) will not then be the subject of a prosecution by the Council.
- 7.16 If a licence is revoked under this procedure, no new application will be considered until a period of 12 months has elapsed since the revocation.

PENALTY POINTS TABLE

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
1	Providing false or misleading information on licence application form/failing to provide relevant information or the relevant fee (including dishonoured cheques).	6	✓	✓
2	Failure to notify, in writing, the Licensing Authority of change of address within 7 calendar days.	3	✓	✓
3	Refusal to accept hiring without reasonable cause e.g. drunk or rude customer	1-12	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	✓	
5	Plying for hire by private hire drivers.	9	✓	✓
6	Failure to hold a current vehicle excise licence (road tax).	9	✓	✓
7	Using unlicensed vehicle or vehicle without relevant insurance cover.	12		✓
8	Failure to produce relevant documents within timescale when requested by an authorised officer.	4	✓	✓
9	Unsatisfactory condition of vehicle, interior or exterior.	4	✓	✓
10	Failure to produce MOT certificate when requested.	6	✓	✓
11	Failure to produce hackney carriage or private hire vehicle for testing when requested by an authorised officer.	6	✓	✓
12	Failure to provide proof of insurance cover when requested.	4 <u>6</u>		✓
13	Using a vehicle subject to a suspension order issued by an authorised officer or a police officer.	12	✓	✓
14	Using a vehicle for which the licence has been suspended or revoked.	12	✓	✓
15	Failure to report, in writing, within 72 hours accident, or damage to licensed vehicle which would cause the vehicle to breach licence conditions.	4	✓	✓
16	Carrying more passengers than stated on the vehicle licence.	6	✓	
17	Failure to display external/internal licence plate or signs as required.	4	✓	✓

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
18	Carrying an offensive weapon in the vehicle.	12	✓	
19	Failure to notify transfer of private hire or hackney carriage vehicle licence.	4		✓
20	Unnecessarily idling of hackney carriage or private hire vehicle.	3	✓	
21	Displaying unsuitable or inappropriately sited signs or advertisements in the vehicle.	3		✓
22	Failure to use authorised roof light.	4	✓	
23	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.	4		✓
24	Failure to produce on request records of drivers work activity.	4		✓
25	Using a non approved or non-calibrated taximeter.	6	✓	✓
26	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle.	12	✓	✓
27	Displaying any feature on private hire vehicle that may suggest that it is a taxi.	6		✓
28	Failure to carry an assistance dog without requisite exemption.	12	✓	✓
29	Driver not holding a current DVLA Licence.	12	✓	✓
30	Failure to wear driver's badge.	4	✓	
31	Failure to notify, in writing, a change in medical circumstances.	6	✓	✓
32	Unsatisfactory appearance of driver.	3	✓	
33	Failure to observe rank discipline. (hackney carriage)	3	✓	
34	Leaving an unattended hackney carriage on a taxi rank	3	✓	
35	Failure to maintain proper records of private hire vehicle.	3		✓
36	Failure to keep or produce records of private hire bookings or other documents required to be kept or produced.	6		✓
37	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
38	Failure to issue receipt on request.	1-12	✓	✓
39	Failure to return vehicle licence plate within 7 days after due notice following revocation or suspension of such licence.	4		✓
40	Unsatisfactory behaviour or conduct.	1-12	✓	✓
41	Failure to notify the Licensing Authority, in writing, of any arrest, charge, conviction, caution, fixed penalty or community resolution within 48 hours during period of licence.	6	✓	✓
42	Failure to give assistance with loading/unloading.	1-12	✓	✓
43	Failure to display fare card.	3	✓	✓
44	Failure to carry legal spare wheel and tools, or suitable tyre reinflation device.	4	✓	✓
45	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	✓
46	A licensed vehicle with a bald tyre.	4 per tyre	✓	✓
47	Failure to submit licence renewal application including documents and attendance at a vehicle inspection.	6	✓	✓
48	Failure to comply with any other conditions	3	✓	✓
49	Waiting or stopping on a double yellow line area, restricted parking, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle.	3	✓	
50	Use of hand held mobile device (eg mobile phone) whilst driving licensed vehicle	6	✓	
51	Smoking in licensed vehicle	3	✓	
52	Points awarded by Licensing Sub-Committee where matters referred to them for decision.	4-12	✓	✓
53	Private hire vehicles stopped or waiting on a taxi rank	3	✓	

Glossary

“Authorised Officer” means any officer of the Council authorised in writing by the Council for the purpose of these conditions.

“Hackney Carriage” has the same meaning as in the Town Police Clauses Act 1847.

“Private Hire Vehicle” means a motor vehicle constructed or adapted to seat fewer than eight passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a Driver for the purpose of carrying passengers.

“Taximeter” means any device for calculating the fare to be charged in respect of any journey in a Hackney Carriage or Private Hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

“the Act” means Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

“the Council” means Winchester City Council.

“the Driver” means a person licensed to drive a hackney carriage and/or private hire vehicle under Section 51 of the Act.

“the Licence Holder” means the holder of the hackney carriage and/or private hire drivers or vehicle licence, or private hire operators licence.

“the Licensing Authority” means the Licensing Department of Winchester City Council.

“the Operator” means the person(s) or company directors/partners whom the Council has granted the private hire operator's licence under Section 55 of the Act.

“Winchester the District” – the administrative area of Winchester City Council.

“Winchester Town” – the Five Town Wards plus Oliver's Battery & Badger Farm, and The Worthy's.