



MENDIP DISTRICT COUNCIL

**REGULATORY SERVICES -
LICENSING**

**THE YELLOW BOOK
TAXI AND PRIVATE HIRE POLICY**

PUBLISHED VERSION

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Foreword

This policy should be read in conjunction with all conditions and byelaws that are currently in force and those that may be implemented in the future. This is particularly relevant as conditions and byelaws will be reviewed when required.

This policy and any conditions/byelaws are provided for two main reasons:

1. To clearly document the requirements of applicants as set down by the Licensing Authority (the Authority). These requirements must be satisfied in order that an application may be granted - POLICY.
2. To demonstrate the manner in which the Authority will maintain standards for drivers, vehicles and operators that it licences and protect the public – POLICY AND CONDITIONS.

The policy is laid out by way of chapters (1 – 4), each chapter is broken down into sections and further broken down into numbered paragraphs for ease of reference. The policy also has a number of annexes attached to it, as detailed in the index and referenced through the policy.

Map of the Mendip District Council area



1. INTRODUCTION AND BACKGROUND

1.1 Introduction

- 1.1.1 Mendip District Council (the Council) is the Authority for the Mendip district area (referred to throughout this policy as the Mendip area) and has responsibility for the licensing regimes for both hackney carriages (taxis) and private hire vehicles (PHVs) in this area.
- 1.1.2 This policy document sets out the approach the Authority will take in connection with its functions under the relevant legislation in this regard. The policy provides consistency in decision making and transparency in how the Authority carries out its responsibilities, and shows applicants and licence holders what is required of them when making applications or where they hold a licence. However, where appropriate the Authority may depart from this policy, but will give clear reasons for doing so.
- 1.1.3 Therefore, the policy guides, it does not bind the Authority; and each licence application will be considered on its own merits.
- 1.1.4 The policy consolidates all relevant information about how the Authority administers and enforces the relevant legislation. In addition, a review of processes, standards and other issues was carried out prior to its implementation, with a view to raising standards within the licensed trade in the Mendip area. Where 'new' standards/application criteria are being adopted, the policy states clearly when these will be introduced and what, if any, 'grandfather' rights are applicable for existing licence holders.
- 1.1.5 The Authority has considered the Department for Transport document entitled '*Taxi and Private Hire Vehicle Licensing Best Practice Guidance*' (the Guidance), relevant legislation, relevant case law and recognised good practice in producing this policy. It will be in force from 1 October 2013, and it will be formally reviewed within 12 months of each full council election for the Mendip area.
- 1.1.6 It may be necessary to amend the document at anytime and where this is necessary annex 1 details the process that will be undertaken.
- 1.1.7 The current version of this policy will be available both on the Mendip District Council website and from customer services on 01749 678999 with a summary of any changes that have occurred since initial publication or formal review included in an annex 1A.
- 1.1.8 The Authority aims to provide a transparent, balanced, consistent and fair licensing service delivered by the Licensing Team and its partners, and this policy is considered as being fundamental to achieving that aim. The Authority will support individuals and businesses that are licensed or wish to apply to an appropriate and reasonable extent, but in particular in contentious matters those persons may wish to seek their own independent legal advice.
- 1.1.9 All applicants and licence holders are advised to ensure that they read and understand this policy. This is because it likely to contain useful information pertaining to their application and/ or their status as a licence holder. Ignorance of this policy will provide no defence against the requirements of this policy. A glossary of words and phrases is

provided at annex 2 to aid the understanding of those persons or businesses affected by this policy.

1.2 Policy objectives

1.2.1 The Authority recognises that the main aim and purpose of licensing taxis and PHVs is to protect the public, whilst ensuring that the public have reasonable access to such services. This is particularly important in a rural area such as Mendip as these services are essential to people that may be socially excluded either by a lack of local public transport or their financial standing.

1.3 Fundamental principles

1.3.1 The Authority seeks an appropriate balance to achieve the policy objectives and is aware that licensing requirements which are unduly stringent may unreasonably restrict the supply of vehicles and drivers, by putting costs up or otherwise restricting entry to the trade. It seems likely that such costs would be passed onto the paying customer and that any restriction on supply may adversely affect their access to services.

1.3.2 It is therefore important that any licensing requirement must be in proportion to the risk it aims to address, or that the cost of the requirement on the availability of transport to the public is at least matched by the benefit to the public. Ultimately, the Authority strives to ensure that such costs are commensurate with the benefits a policy principle is meant to achieve.

1.4 Legislation

1.4.1 A list of legislation related to this policy is not provided. This is due to the volume and complexity of legislation. Case law has been considered as it proves essential in interpreting legislation, but changes in interpretation can arise in even a short space of time and this may prompt early review or amendments to the policy.

1.5 Consultees

1.5.1 This policy is subject to consultation with people and organisations listed in annex 4. The Council consults widely with those agencies that interact with the taxi and PHV trade and people and businesses that use these services.

1.6 Accessibility

1.6.1 In a rural area such as Mendip the issue of accessibility can have more than one meaning, namely that of proper access for the disabled and also better transport links for those in rural locations; this second point will be considered later in the policy under 'Taximeters'.

1.7 Limitation of numbers

1.7.1 In line with the Guidance this Council does not limited the number of hackney carriages that it licences.

1.8 Types of licenses

- 1.8.1 **Taxis** – hackney carriages may carry passengers for ‘public hire and reward’ and ‘private hire’ purposes. This means that a vehicle may pick up customers anywhere within the Mendip area from the street or from public ranks (without a pre-booking) and may pick up pre-booked passengers anywhere in England or Wales. They are not required to work under a private hire operator’s licence, but they must be driven by a licensed Mendip taxi/PHV driver (‘Mendip dual use licensed driver’).
- 1.8.2 **PHV** - PHVs may only carry passengers for ‘private hire’ purposes. This means that the vehicle may only carry passengers that have pre-booked the use of the service. They may pick up passengers anywhere in England and Wales, but they must work under a Mendip PHV operator’s licence and the driver must be a Mendip dual use licensed driver.
- 1.8.3 **PHV operator** - this licence allows a person to ‘make provision for the acceptance of bookings’ for private hire vehicles. Where such a booking is accepted, the booking must be carried out in a vehicle licensed by Mendip and driven by a Mendip dual use licensed driver.
- 1.8.4 **Taxi/PHV Driver** – Mendip utilises a dual use licence for the licensing of drivers that allows the license holder to drive both taxis and PHVs.

1.9 Document retention and use of data

- 1.9.1 Documents and data regarding applications and complaints will be retained as set down in relevant legislation and/or the Council’s relevant policies.
- 1.9.2 It should be noted by all applicants and licence holders that any information given to the Authority or information that it becomes aware of in relation to any relevant licence or application may be given to other public bodies or agencies on request. In this regard, the Authority will at all times comply with relevant data protection legislation.

1.10 Provision of information by applicants

- 1.10.1 Any omission or misrepresentation within application documentation could suggest dishonesty. However proceedings for knowingly or recklessly making a false statement or omitting and material particular under section 57 of the Local Government (Miscellaneous Provisions) Act 1976 (LG (MP) A 1976) would only be considered in exceptionally serious cases and would result in the refusal of the application. In other less serious cases the applicant may be allowed to proceed with an appropriate warning of the possible risks should there be any reoccurrence in the future as to fitness to be licensed.

1.11 Registers

- 1.11.1 The Council will endeavour to make relevant information available online regarding those persons and businesses that it licences. Council staff resources are often needed to respond to regular freedom of information requests regarding those that the Authority licences, and therefore making such information available online is

necessary.

1.11.2 The Authority will also explore ways to better promote the licensed trade through this means. This may mean that information regarding wheelchair accessible vehicles, contact details for those licensed and contact details for larger vehicles or specialist type vehicles is more easily available to the public.

1.12 License fees

1.12.1 The Council shall review all licence fees on an annual basis. The setting of all fees shall be based on achieving full cost recovery. Licence fees, including all associated administration fees and recharges, shall be published on the Council's website.

1.12.2 The Authority may amend fees for vehicle, driver and PH operator applications. It will advertise its intention to vary fees in one or more local newspapers circulating within the district and do this no less than 2 months prior to the date it intends to implement the amendments.

1.12.3 In most instances all fees for vehicle tests to be carried out will be paid directly to the garage carrying out the test. This provides prompt payment to that garage and avoids costs/ delays in otherwise processing payments.

1.13. Communication

1.13.1 There are often situations that arise where the Authority wishes to urgently inform licence holders of certain matters that are relevant to the work they engage in. These situations include: the impact of events on the trade by way of traffic management measures, tariff increases or even crime reduction measures. Therefore, the Authority will use the most cost effective means to achieve this aim, and so licence holders must ensure that they provide a working mobile telephone number and / or working email address for this purpose to the Authority. In most cases the Authority will not use the postage system to inform those licensed by it of such matters.

1.14 Miscellaneous

1.14.1 The Council also has certain other additional responsibilities in its remit, namely the setting of the taxi fares schedule (this is detailed in the section on taxis) and a role in the siting of public taxi ranks.

2.0 MENDIP DUAL USE LICENSED DRIVER

2.1 Basic principles

- 2.1.1 The Authority will take all reasonable steps to ensure only drivers considered to be 'fit and proper' are licensed. This responsibility is important as licensed drivers are likely to come into regular unsupervised contact with children and the vulnerable, and are generally placed in a position of trust and responsibility. In making this judgement the Authority will consider the issues laid out in this chapter.
- 2.1.2 The Authority will also consider where a driver intends to work. This will be investigated on both new or renewal applications and on receipt of a relevant complaint. The Authority requires that all Mendip taxis work entirely or predominantly in the Mendip area, and it will not licence those drivers it believes will/do not do so.
- 2.1.3 The Authority will condition a Mendip taxi licence where it feels that it is reasonable and necessary to do so to ensure that the vehicle is used entirely or predominantly the in Mendip area.
- 2.1.4 This approach accords with the decision laid down by the High Court in the *Berwick v Newcastle* legal case. The consideration is being made when a person applies for a dual use driving licence and a vehicle licence. This is to ensure that the Authority is robust to legal challenge and ensures a fair, reasonable and rationale approach for all taxi drivers and applicants; in that their expectations are properly and fairly managed. (See 2.4 - the out of area applicants section for more details).

2.2 Basic requirements for applications

- 2.2.1 Many factors will be relevant in considering an application. This policy consolidates those factors and allows all parties to understand both the historic and new expectations. It will provide clarity on all the requirements, including those that have been standard practice for some time. Therefore, with immediate effect all policy principles will be followed in considering new and renewal applications, unless stated otherwise.
- 2.2.2 The Authority requires the following before determining new applications and at other relevant times:-
- a) Satisfactory completion of an interview/ knowledge test.
 - b) Successful completion of the Driving Standards Agency (DSA) Taxi Test.
 - c) A Disclosure and Barring Service (DBS) enhanced level check (previously called the CRB).
 - c) A full GB driving licence.
 - d) A satisfactory medical assessment.
 - e) Two character references.

f) A recent photograph.

2.2.3 False or misleading information given to the Authority will delay processing of an application and could result in prosecution. Any additional checks and verifications carried out because of such failure may lead to further administrative charges being levied in order to recover the non-routine costs.

2.2.4 Applicants are strongly advised therefore to pay attention to accuracy when completing an application and if unsure about including or excluding any information to seek advice from licensing staff.

2.2.5 The Authority may also consider any other information that might be relevant to the determination of an application. The source and nature of the information will be considered in determining the weight to attach to such information.

2.3 Knowledge Test/ Interview (including written assessment)

2.3.1 This policy introduces a knowledge test/ interview process. This process is being introduced to:-

- a) Reduce the amount of incorrect or false information provided by better verification of information and documentation,
- c) Give applicants a formal opportunity to ask questions about the process,
- d) Better record and assess relevant background information,
- e) Formally assess skills, knowledge, ability and competence, and
- f) Use the results of this process to assist in determining whether a person is fit and proper to be licensed.

2.3.2 The interview will consist of confirming the contents of the documentation submitted and answering other relevant questions, and it will include assessment of the following:-

- Use and knowledge of the English language satisfactory for working as a taxi/ PH driver.
- Geographical knowledge – with the emphasis on where they will work.
- Competency, knowledge and experience for the role, including the Highway Code.
- Knowledge of the basic requirements for ensuring that their vehicle remains safe and roadworthy.

2.3.3 Applicants will be required to demonstrate they have the ability to carry out the role, including showing problem solving skills, numeracy, a basic understanding of human behaviour and the ability to deal with and defuse conflict.

2.3.4 Information to enable participants to adequately prepare for the knowledge test/ interview will be available beforehand.

2.3.5 The process will help determine whether a person has a satisfactory understanding and command of the English language in reading, writing and speaking to carry out the role. Licensed drivers must be able to communicate effectively with customers, police or licensing officers and other road users, understand road signage and resolve difficulties/ disagreements with customers. (Drivers who hold licences at the time when this policy is brought into operation ('Existing Licence Holders') will only be subject to this process

where there is reasonable cause to so. This might arise where relevant complaints have been made against someone).

- 2.3.6 This change is being adopted, because it is necessary that licensed drivers communicate effectively with the wider public, other road users, the authorities, other drivers and importantly their customers. This is to better protect the wider public and in particular the driver themselves. Where a driver cannot understand a customer/ other road user this can lead to disputes and even aggression or violence. Many people using taxis have been on a night out, and are likely to be under the influence of alcohol when travelling, this is likely to heighten the potential for such dispute. In addition, there is more potential for a driver to misunderstand the direction of a customer and drive to the wrong destination, this may lead to a higher fare and inconvenience for the customer, which may itself lead to disputes. Therefore, this assessment is crucial to the question of whether a person is fit and proper to be licensed.
- 2.3.7 The knowledge test/ interview will include a scripted pro forma to provide consistency. The results will be recorded in writing and electronically. Feedback will be given on request. A specific pass mark will be published which must be achieved for a licence to be issued. The pass mark and assessment will be approved by the Licensing Board prior to the implementation of this process.
- 2.3.8 Where applicants fail, their application will be refused. Each test that is undertaken in connection with a new application incurs a charge to the individual that will be published in the schedule of licence fees. The first test fee must be paid when the application is submitted. Where a person fails to attend an appointment for an interview they are still liable for that charge. (In connection with renewals or with complaints, the charge is only made against a driver if they fail to attend an interview at their appointment).
- 2.3.9 An applicant may retake the interview on not more than 3 occasions within a calendar year, and with a minimum period of 2 months between each retake. They must complete the full interview on a retest. However, further documentation may be required from an applicant in these instances due to the time lapse from their original submission. This may mean that a new medical, DBS check or references may be required, and the driver licence will be seen again.
- 2.3.10 Where a person suffers from a disability that may affect their ability to complete this interview, they will be offered assistance to complete this task. Where an applicant has a disability the relevance of this will be considered, in terms of whether that would affect their ability to carry out the role to a satisfactory standard.
- 2.3.11 This process (2.3.1 – 2.3.10) may also be required at the discretion of an authorised Officer on renewals or at any other time that it seems reasonable and necessary to do so (e.g. following investigation of a complaint).
- 2.3.12 Existing Licence Holders are strongly advised to ensure that they maintain and improve their competencies in order to pass such an interview, because if the need arises they will be assessed in this way. Failure to pass the assessment may affect their licence.

2.4 Out of area applications

- 2.4.1 The Authority will only licence taxi drivers and vehicles that will work entirely or predominantly in the Mendip area. It will consider this point in all circumstances where it has reason to do so, including where complaints are received.
- 2.4.2 Persons living outside of the Mendip area are more likely to work remotely from the Mendip area, and these policy principles have been introduced by the Authority to ensure that it acts lawfully. It ensures that genuine applicants have the opportunity to be licensed, where appropriate, but also ensures that proper and adequate controls are in place to satisfy the statutory purposes of the legislation and ultimately protect the public.
- 2.4.3 The Authority will refuse new applications made by those persons resident (at the time of their application being submitted) outside of the Mendip area, unless they prove to the satisfaction of the Authority that they will either work for a licensed Mendip PHV operator or that they genuinely intend to work entirely or predominantly in the Mendip area.
- 2.4.4 The Authority has adopted the process attached at annex 5 in order to help it determine this point. This process will start at the point of enquiry to effectively manage the expectations of an applicant residing outside of Mendip. This will not lead to additional charges to them, and is separate and additional to the interview process highlighted above, which they will still have to undertake.
- 2.4.5 All Existing Licence Holders that reside outside of the Mendip area will be required on their first renewal after 1 October 2014 to demonstrate to the satisfaction of the Authority that they either work for a licensed PHV operator or that they work entirely or predominantly in the Mendip area. They will be notified of this requirement not less than 4 weeks before the expiry date of their current licence. The Authority shall require such evidence as they reasonably deem appropriate to make the assessment which may include relevant written evidence clarifying the point. If Existing Licence Holders are unable to satisfy the Authority on this issue, or if they fail to provide such information, their application will be delayed and may be refused.
- 2.4.6 There is no relevant case law on exactly what the word predominantly means in the context of 'work entirely or predominantly in the Mendip area'. However, the Authority will consider the following points in determining this matter:-
- a) The monetary value of work that starts and/ or finishes in the Mendip area and that which does not,
 - b) If working for a company or private hire operator, whether they are based in the Mendip area or not,
 - c) Any complaints made against the driver concerned,
 - d) Whether they carry out other activities that may influence where they might work
 - e) Whether they will carry out the role full time or not,
 - f) Any other information/ data that it considers is relevant.
- 2.4.7 Where the Authority believes that a licensed driver is not working entirely or predominantly in the Mendip area, then it may suspend or revoke that person's dual use driver's licence; and in addition may suspend or revoke any vehicle licences associated with that individual.

2.4.8 New applications will be determined by the Principal Licensing Officer and not referred to sub - committee. Where an Existing Licence Holder is not able to satisfy the Principal Licensing Officer in this regard, the matter will go before a sub – committee.

2.5 Background checks

2.5.1 Applicants should be aware that the Authority is empowered by law to check for the existence and contents of any criminal record held in the name of an applicant. Where such information is received by the Authority it will be kept in accordance with data protection protocols.

2.5.2 The Authority will consider any criminal record or other relevant data on initial and renewal applications, and at any other time during the validity of a licence. In doing so it will have regard to annex 6 – Guidelines to the Relevance of Criminal Record and Other Data. These guidelines will be reviewed and revised, from time to time as deemed reasonable and appropriate.

2.5.3 The Authority will be guided in its decision making by these guidelines, but will consider all cases individually and on their own merits.

2.5.4 All applicants must provide a full and complete background check for 5 years as part of their application. A DBS enhanced level check is required on initial application, every 3 years on renewal and at any other time where the Authority has reasonable cause to require it. It is acknowledged that the introduction of the Update Subscription service will fundamentally change this process (see 2.8.10 below)

2.5.5 Such a criminal records check will confirm an individual's criminal record. For certain roles it will also include information held on the DBS's children and adults barred lists, together with any information held locally by Police forces that is reasonably considered to be relevant to the applied for post.

2.5.6 The cost of DBS checks will be met in full by the applicant on initial application and then they will be required to use the Update Service from the DBS. These costs will be published and will be separate from the charges made by the Authority in connection with its responsibilities. However, to assist applicants one payment will be accepted for both the Authority charge and the DBS recharge. The Council abides by the DBS's code of practice on processing checks and a copy will be made available on request. The cost of all certificates of good conduct must also be met by the applicant in full.

2.5.7 The Authority will not accept DBS checks provided through any other organisation, unless the applicant is subscribed to the Update Service and there has been no change since the issue of the original certificate.

2.5.8 The Update Service Subscription is available through the DBS, and the Authority will require all applicants (new and renewals) to subscribe to that service in order that these checks may be carried out throughout the time that they are licensed.

2.5.9 All renewal applicants will be required to apply for a new DBS check when they are next due to do so and to apply to register for the Update Service. The applicant will be

required to pay for this DBS check and directly to the DBS for the Update Service, and these will be published in the scale of charges or may be payable directly to the DBS.

2.5.10 All licence holders must allow the Authority to access the DBS data at all times that they are so licensed. Failure to do so will lead to suspension, revocation and/ or refusal to renew of their dual use licence.

2.5.11 If a person fails to maintain their subscription service with DBS, this is likely to lead to the suspension, revocation and/ or refusal to renew.

2.5.12 The Authority will also work with other relevant organisations in order to utilise this Update Service to the fullest extent to lessen the number of applications being required for DBS checks for other activities.

2.5.13 In some cases, the Authority may be required to undertake further ID validation checks where the applicants are unable to produce the required documentation. In such circumstances the Authority will be unable to carry out such ID validation checks in the normal way and will lead to additional costs which will be recharged to applicants

2.5.14 In addition, where any applicant has been resident abroad at any time during that 5 year period they must provide a Certificate of Good Conduct or similar document from each and every country within which they have been resident. Residency for these purposes is considered by the Authority as where the person has lived in a country for longer than 1 month in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

2.6 Declaration of cautions and convictions

2.6.1 When submitting a new or renewal application all applicants are required to declare any and all cautions or convictions they may have on their form.

2.6.2 Furthermore, licensed drivers are required by way of conditions of licence to declare any cautions or convictions that they receive within 14 days of receiving them. Drivers are advised to retain proof of written submission of cautions or convictions notified to the Authority. Where new applicants and those renewing a licence do not declare cautions or convictions, they will be given penalty points (see penalty points section 2.21).

2.6.3 There will be an additional administration fee charged where such information is not notified by to the Authority within the timescale to recover the additional non-routine administrative costs.

2.7 Overseas applicants

2.7.1 Applicants that have lived overseas in the previous 5 years prior to making an application must satisfy all standard requirements; and in addition must allow their Passports or National Identity Card to be copied, and confirm their immigration status.

2.7.2 Applicants from outside the EU will be required to demonstrate to the satisfaction of the Authority that they have the right to live and work in the UK. Where a right is time limited, the grant of a licence will also be time limited to the same extent. The UK Border Agency maintains a list of documents that can be used to prove the right exists. Potential employers and applicants themselves must refer to these documents and ensure that such an application is accompanied by the correct documentation. The contact details for the UK Border Agency are attached at annex 3.

2.7.3 In addition, employers are strongly recommended to satisfy themselves that potential employees do in fact have the right to work in the UK. There are potential penalties and sanctions available against those that do not do so.

2.8 DVLA driving licence

2.8.1 Applicant's must provide both the original photocard and counterpart of their driving licence (where they hold the newer style licence) prior to the granting or renewal of a licence. The DVLA driving licence must show their current residential address and this must match their address provided to the Authority on the application form. No application will be granted until the Authority has seen the original DVLA licence (both parts where applicable) with the correct details.

2.8.2 The Authority will only accept DVLA licences where all of the licence holder's personal information, including full name, address, date of birth, driver licence number and all conviction information are clearly legible. Furthermore, if the DVLA licence will not allow an accurate copy to be made, with all details clear, the driver will be required to obtain a replacement licence before the licence is further granted or renewed.

2.8.3 Counterpart DVLA licences are only accepted where the photocard has not expired. The photocard has a validity of 10 years and must be renewed prior to its expiry. Licences or renewals will not be granted unless the photocard is still in date on the grant/renewal date.

2.8.4 All applications will be subject to an additional requirement to complete a data protection mandate for the period of the validity of their licence for the purpose of the Authority obtaining data from DVLA regarding that person's DVLA driving licence.

2.8.5 An additional recharge will be made against applicants for the purpose of the Authority requesting such data from the DVLA. This recharge will be calculated to allow the Authority to request such data at appropriate times.

2.8.6 The Authority will verify data received from the DVLA in all instances on application; and in the case of a 3 year licence on not less than 2 further occasions during the validity of the licence. However, where the Authority has any cause for concern it may carry out additional checks that the applicant will not be individually liable for.

2.8.7 The licence holder should note that they must still inform the Authority when they have received motoring convictions.

2.9 Motoring convictions or 'points'

- 2.9.1 Where a new/ renewal applicant has points/endorsements on their DVLA licence the relevance of these will be considered by the Authority in order to protect public safety. The Guidelines to the Relevance of Criminal Record and Other Data will be considered in this regard.
- 2.9.2 Where a new applicant has received 6 points or more within the proceeding 3 year period or on a licence renewal where a licence holder has accrued or passed 6 points within the proceeding 3 year period; this is of particular concern to the Authority. Driving ability and competence in charge of a vehicle are considered as key factors in considering whether a person is fit and proper to be licensed.
- 2.9.3 These new applications and renewals will be determined by an authorised Officer unless there is concern regarding the pattern or seriousness of these offences and/ or there are other concerns, in which case they will go to a sub – committee to be determined.
- 2.9.4 Existing Licence Holders will also be subject to these requirements when they commit an offence after this policy is implemented to accrue or pass 6 points on their DVLA driving licence; and also when they accrue any further points when they had 6 points or more at the time this policy was implemented.
- 2.9.5 On a licence renewal where **any** points have been applied to the DVLA licence and the Authority has not been informed in writing within the timeframe required by conditions/byelaws then the driver will be awarded Mendip Dual Use Penalty Points as set down in annex 12 (see section 2.21 on this system).
- 2.9.6 In the event of a dispute regarding such notification, it should be noted that the emphasis will be on the licence holder to prove that they have informed the Authority in writing. A pro forma is available for this purpose. Drivers are therefore advised to ensure that they have proof of submission of the completed pro forma.
- 2.9.7 In addition, where such information has not been provided to the Authority within the appropriate timeframe the Authority may apply an additional administration charge to the renewal. This charge will be published and determined to recover only the additional non-routine costs arising from such failures.

2.10 Qualifying driving licence period

- 2.10.1 The Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act) states that an applicant for a drivers licence must have held a full GB driving licence (issued by DVLA) for a minimum continuous period of at least 1 year.
- 2.10.2 A 'Community Licence' may be used to drive vehicles in Great Britain and therefore may count towards this requirement. This will usually include all driving licences issued by states of the European Economic Area (EEA) and all new member states (Accession States) of the European Union (EU). In addition, certain foreign driving licences are classed as 'exchangeable licences' and provide entitlement. You are advised to contact the DVLA prior to making such an application to confirm the status of your driving licence if it is issued by a country other than Great Britain.

2.10.3 With immediate effect only a full GB driving licence will be accepted with all new and renewal applications. This means that holders of driving licences issued outside of Great Britain must exchange them for a full GB driving licence prior to application or renewal being submitted. The reason for this alteration in policy is to allow the Authority a clear understanding of any motoring offences applied to that counterpart at the time of application. If this stance was not adopted there is a risk that a conviction history is not known to the Authority.

2.10.4 Furthermore, all new applicants must pass the DSA Taxi Test within the 3 month period prior to the application being determined. This requirement is brought in to ensure that all licensed drivers will have a level of driving competence that has been professionally assessed.

2.10.5 Also, prior to 1 October 2015 all existing licence holders must have passed the DSA Taxi Test. This requirement is brought in to ensure that all licensed drivers will have a level of driving competence that has been professionally assessed. It is considered these additional requirements to obtain a driving licence are necessary, to better ensure that drivers are fit and proper in this respect to carry members of the public.

2.11 Medical checks

2.11.1 Best practice as stated in the Guidance is for the higher standard Group 2 medical check to be utilised for licensing those persons driving taxis. This standard is detailed in the booklet "Medical Aspects of Fitness to Drive" published by Medical Commission for The Prevention of Accidents.

2.11.2 The Authority will only accept the Group 2 level medical checks due to the fact that licensed drivers carry the public and are likely to be driving for more hours a day, in more demanding circumstances, than a normal driver.

2.11.3 A D4 DVLA medical form or the Mendip version of that form must be completed by a registered medical practitioner and the original document must be provided to the Authority. The applicant must obtain a copy of their full patient summary, from their own doctor; and give this to the registered medical practitioner prior to their assessment, if they are not using their own doctor to carry out the medical assessment.

2.11.4 The medical form will only be accepted for up to 4 months from the date of the doctor signing the form.

2.11.5 The costs for any medical tests to be carried out shall be born in full by the applicant. If further medical tests are required, for instance where in depth sight tests may be required by the medical practitioner, then the applicant must meet these additional costs.

2.11.6 The regularity of these medical checks being required will be as follows:

- A medical certificate is required of all applicants for the grant of a new driver's licence,
- On next renewal of the licence after the applicant reaches the age of 45 years,
- Then every 5 years, thereafter until they reach 70 years of age.

- Once the licence holder has reached the age of 70 years he/she must produce a medical certificate on the renewal of a licence following and each year thereafter.

2.11.7 However, where an applicant has any form of diabetes or a licence holder is diagnosed with any form of diabetes, they must inform the Authority. The Authority will follow the current guidance from the DVLA in respect of the requirements set down for the Group 2 standards on driver licences. These requirements are summarised at annex 13 and must be complied with in full in all instances.

2.11.8 The only exception to paragraph 2.11.7 will be those existing drivers that have diabetes and who were licensed prior to 30 September 2013 and suffered from diabetes of that specific type prior to that date. Where they cannot comply in full with those requirements, they must produce further written medical evidence and give all relevant information about their medical condition and its treatment. All such applications will then be considered by a sub – committee.

2.11.9 Where any applicant or licence holder has any form of diabetes they will be required to undertake and pass the medical assessment on a yearly basis prior to the grant of their application or renewal. The only exception being those diabetes sufferers that are treated by diet alone.

2.11.10 Conditions of licence will require that if a medical condition changes at any time during the period of a drivers' licence, then the licence holder shall notify the Licensing Authority immediately or as soon as reasonably possible within 72 hours of becoming aware of such a change.

2.11.11 All persons due to take the Group 2 medical, particularly those suffering from diabetes, are advised to refer to the document issued by The Drivers Medical Group in May 2012 entitled 'For Medical Practitioners – At a Glance Guide to the Current Medical Standards of Fitness to Drive' the web link for this document is in annex 3. This highlights many aspects of the test that may affect them.

2.11.12 Where an Existing Licence Holder fails the higher medical standard, they must provide all relevant medical information to the Authority; and a sub – committee will then consider the matter.

2.12 Character references

2.12.1 Details of at least two character referees must be provided to the Authority on initial application in order to request certain information about the applicant.

2.12.2 At least one of the referees must be either a previous employer or person of standing at an education institution, who has had some contact with the applicant within the preceding 1 year.

2.12.3 One of the referees must be a personal referee and they must have known the applicant for not less than 3 years.

2.12.4 Personal references will not be accepted from those persons currently or previously engaged in the taxi trade within Mendip.

2.12.5 Where a reference is provided in a language other than English, the applicant must arrange for an English written translation to be provided.

2.13 Photographs

2.13.1 All applications must be accompanied by a passport sized photograph of the applicant.

2.13.2 These photographs must comply in full with the requirements attached at annex 7. These are based upon the Guidance for Passport Photos available from the Home Office Identity and Passport Service. Any photograph that does not comply will not be accepted and this will delay an application.

2.14 Period of validity

2.14.1 The Authority may grant licences for either a 1 year or a 3 years period. The published licence fees will show the difference in costs dependent on the duration of licence sought.

2.14.2 Licence holders are reminded that they must inform the Authority of changes in their name and/ or address whilst their licence is in force.

2.15 Fit and proper person test

2.15.1 The Authority will make a determination of an application or the ongoing suitability of a licensed driver by considering all relevant available information to establish that the person is, or remains, 'fit and proper' to be licensed.

2.15.2 In determining whether an applicant is 'fit and proper' the Authority will have regard to this policy. Where no issues of concern arise the application will normally be granted by an authorised Officer once all requirements are satisfied; in all other cases, unless detailed in this policy, the application will be determined by a sub – committee.

2.15.3 Where a complaint is made against an Existing Licence Holder or concerns arise, an authorised Officer will investigate the matter. The matter will be investigated; and where an authorised Officer believes that formal action by the Authority may be required (such as suspension or revocation) the matter will be referred to a sub – committee. In all other circumstances the matter will be dealt with by an authorised Officer and the decision recorded, see also Penalty points section.

2.15.5 The decisions of both Officers and Elected Members shall be guided by the following:-

- Relevant legislation and case law,
- This policy document, in particular annex 6.

2.16 Hearings

2.16.1 When a hearing is required a sub-committee of the Licensing Board shall be convened. This will be constituted of 3 elected members of the Licensing Board. The following process will be followed:-

- The applicant/licence holder will be informed in writing that a concern exists regarding the application,
- A hearing date will be set and a report on the matter produced containing all available relevant information (where it is permitted to disclose),
- The applicant/licence holder will be asked to respond to any concerns in writing prior to the hearing taking place,
- The applicant/licence holder will be invited to attend the hearing to make their representation and to explain why they believe they should be considered a fit and proper person,
- The hearing will determine the application and give its decision in writing detailing the reasons for making the decision,
- The applicant/licence holder has a statutory right of appeal to the Magistrates Court, if they are not satisfied with the Authority's decision.

2.17 Fit and proper training requirement

2.17.1 Where considered necessary the Authority may consider referral to relevant training to better educate drivers of their responsibilities and to ensure that a driver is fit and proper. The driver will be liable for all costs associated with such training and will be required to book and arrange their own attendance. Depending on the circumstances of the case, the successful completion of the training may be a prerequisite to the granting of an application/renewal or an existing driver's licence may be suspended until such time as it is successfully completed.

2.17.2 Examples of such training may include the following:-

- a) Speed awareness, or similar,
- b) Anger management,
- c) Customer care,
- d) Race and equality issues.

2.18 Drivers badges

2.18.1 Drivers are issued with an identification badge. The driver must wear the badge at all times when they are working unless they have an exemption to not wear a badge. The drivers badge should be visible at all times to passengers, as required by conditions.

2.18.2 As a security measure, if a badge is lost or stolen this must be reported to the police and/or the Licensing Team within 48 hours. The pro-forma for this purpose must be also be completed and submitted to the Licensing Team. Subject to a Police Crime Reference Number being provided to the Authority a replacement badge will be issued following the payment of a fee.

2.18.3 The badge is the property of the Mendip District Council and should the Authority suspend, revoke or refuse to renew it the licence holder shall return the badge.

2.19 Conditions

2.19.1 The Authority may impose additional conditions on a PHV driver's licence as it deems reasonable and necessary. Given that the Authority issues a dual use driver's licence it is a requirement that these conditions are complied with at all times.

2.19.2 It is considered that the conditions issued to drivers (attached at annex 8) are reasonable and appropriate for all licensed drivers but it is accepted that they may only be legally imposed in respect of private hire drivers. However, all Mendip dual use licensed drivers are expected to comply with these conditions due to the dual use of the driver's licence.

2.20 Renewal of licenses

2.20.1 There is no legal requirement for the Authority to send out reminders for renewals for licences, but to aid drivers the Licensing Team will endeavour to do so. However, the responsibility rests with the driver to ensure documentation is provided within the appropriate timescales.

2.20.2 Licence holders must inform the Licensing Team in writing when they move residence. When this is not done it may cause delays in renewing licences and will be subject to an additional charge to recover the non-routine administrative costs.

2.20.3 Licence holders must ensure all their documentation is correct, as incomplete or incorrect information may lead to delays in processing new/renewal applications.

2.20.4 New and renewal applicants may apply for a 3 year dual use licence in due course. The 3 year licence fee will be published in the schedule of licence fees.

2.20.5 However, the grant of a 3 year licence will place far more responsibility on a licence holder to ensure that they inform the Authority of relevant changes.

2.21 Mendip Dual Use Driver Penalty Points System

2.21.1 The Authority is reintroducing a penalty points system for licensed drivers. The schedule of the penalty points system is detailed at annex 11. A system was previously used by the Authority, but it was not enforced effectively at that time. The system will be implemented from 1 October 2014.

2.21.2 The system provides the Authority with a transparent and clear system for regulating the behaviour of licensed drivers. It is particularly helpful in dealing with a driver where a number of minor issues have arisen. It provides a clear audit trail in this respect regarding a driver's behaviour and allows the Authority to take formal action where it is appropriate to do in light of the driver's behaviour.

2.21.3 The number of points accrued by a driver will be considered on a continual 12 monthly cycle (note that certain points may be given with respect to the application period, but will be effective on the date of grant) or from an existing driver's next renewal date. If a driver receives 12 penalty points or more during any subsequent 12 month period then the driver will be required to attend a hearing of the sub-committee. Drivers will be required to attend to explain why they should still be considered fit and proper and to remain licensed by the Authority. The onus will be on the driver concerned to clearly demonstrate the reasons why the Authority should not revoke their licence.

2.21.4 The Authority will consider each case on its merits, but it will be guided in its decision making by this policy and the annex - The Guidelines to the Relevance of Criminal Record and Other Data.

2.21.5 Points may be given by an authorised Officer where the sanction is 5 points or less, and in all other cases must be taken to a sub – committee. The circumstances surrounding the issue of points will be recorded and where they are given the person will be given an opportunity to highlight any mitigation or a defence.

2.22 Disabled Access

2.22.1 There are duties on dual use licensed drivers to carry guide, hearing and other prescribed assistance dogs in their taxis, without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the Authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with this duty is guilty of a criminal offence and liable, on summary conviction, to a fine.

2.22.2 Legislation has also been passed to prevent any discrimination in providing transport services to disabled people.

3.0 TAXIS/ PHVs

3.1 General information

- 3.1.1 The Authority has responsibilities for administering the licensing regime, carrying out enforcement action and other actions as necessary (such as setting the maximum taxi fares and involvement in the siting of taxi ranks). The Authority may licence vehicles to be used for taxi or PHV purposes, and each licence granted may remain in force for no longer than 1 year from the date of grant.
- 3.1.2 Vehicles must be suitable in type, size and design for use as licensed vehicles. The Authority will licence any vehicle manufactured or adapted to carry no more than 8 passengers (excluding driver) provided it meets the criteria laid out in this policy and the conditions set out at annex 8.
- 3.1.3 If a vehicle is used for hire and reward purposes and has more than 8 passenger seats the responsibilities for licensing and enforcement lie with the Traffic Commissioner's Office, their contact details are provided in annex 3.
- 3.1.4 The Authority does not permit a Mendip licensed vehicle to be licensed with another licensing authority. In order to prevent confusion and discrepancy for passengers which may in turn lead to unnecessary disputes.
- 3.1.5 When considering whether a vehicle should be licensed as a private hire vehicle, the Authority will have regard to the relevant guidance from the Department for Transport (the internet address for this document is provided in annex 3) and relevant case law.

3.2 Application types

- 3.2.1 The following types of application/ notice may be processed by the Authority and may be subject to application fees:-
- NEW APPLICATION – for a specific vehicle not already licensed by Mendip or where an application to renew is received after its expiry.
 - RENEWAL APPLICATION – reapplication process for an existing licence holder to renew their vehicle licence prior to its expiry.
 - REPLACEMENT APPLICATION – used by an existing licence holder to replace a current licensed vehicle or an expired plate (but only where the licence holder has notified the Authority of this intention prior to expiry). The same plate number will generally be used.
 - TRANSFER NOTICE – to change the licence holder for a licence. A pro-forma is available to give this notice.
 - SUBSTITUTE VEHICLE APPLICATION – where a vehicle is required to be licensed on a temporary basis in lieu of a licensed vehicle that is off the road. The period will generally be no more than 3 months from grant.

- CHANGE OF USE APPLICATION – to change a licence from taxi to PHV or vice versa.
- PRIVATE PLATE APPLICATION – to change a vehicle registration number to a personalised number plate.

3.3 Application requirements

3.3.1 All requirements shown on the next page (*table 1*) are pre-requisites to any application being granted, except where specified otherwise. These requirements must be satisfied prior to the grant of a new, renewal, replacement, transfer, substitute or change of use application.

3.3.2 All vehicles subject to an application will be photographed by the Authority prior to issue of the licence. The photographs will be taken by the Licensing Team from the front and side of the vehicle and will be stored on the Authority's database. These photographs will be used to assist in the investigation of complaints.

3.3.3 Where a vehicle has been off the road due to being involved in an accident it must be inspected prior to being used again for licensed purposes. An appointment must be made by the licence holder to attend the Authority's main offices to allow an authorised Officer to visually inspect the repairs and the documentation for the repairs, where available. If concern exists about the standard of repair that has been carried out or the condition of the vehicle in general, the officer may suspend the vehicle plate and require a further vehicle inspection to be carried out as detailed in section 3.10 in this policy.

Requirements	Taxi	PHV	Comments
Completed Mendip District Council Application Form or Notice Pro Forma	✓	✓	Required for all applications or notices given.
Application Fee	✓	✓	Required on new, replacement and substitute applications. This fee may be broken down to refer to administration/ enforcement costs and to refer to costs for testing of the vehicle. The element for testing of the vehicle will be paid directly to the garage that carries out the test.
Valid MOT Certificate	✓	✓	Required for all applications. Taxis - required 1 year from date of first registration and PHV - required 3 years from date of first registration.
Vehicle Test Certificate Pass	✓	✓	Not required on applications for a new vehicle with less than 500 recorded miles. In those instances an inspection will be carried out to verify certain requirements, a pro forma will be available for this purpose.
Insurance Certificate <i>appropriate for intended use and valid on date of grant, Statement of Facts for that Policy and proof of Public Liability Insurance</i>	✓	✓	Required for all applications. Applicant's should seek advice from insurance agent/broker to ensure that cover is adequate and appropriate for use.
Vehicle Registration Document	✓	✓	Required within 21 days of application being made on new or replacement applications and transfers. Required prior to grant for substitute applications. (See below)
Bill Of Sale/Sales Invoice/ Rental Agreement/Written confirmation of purchase	✓	✓	Required on new or replacement applications and transfers where full V5 not available. One of these documents must be provided prior to grant.
Photograph to be taken of vehicle			
Meter Calibration Certificate	✓	✗	Required on new, replacement transfer notices and substitute applications.

Table 1.

3.4 Vehicle ownership

- 3.4.1 All applications and notices must be given in the name of the vehicle owner or part owner. In the case of part ownership, further written details must be provided to demonstrate to the satisfaction of the Authority that the vehicle is in fact part owned by that person and to specify the nature of that arrangement.
- 3.4.2 The vehicle owner is taken as the person named on the registration document (V5) for the vehicle.
- 3.4.3 In the case of businesses, it is acceptable for a Limited or Public Limited Company name only to be on the V5 and those businesses may be considered as the owner for these purposes. In all other instances, the person responsible for the vehicle should be named on the V5 and this person should be the applicant and subsequent licence holder.
- 3.4.4 The invoice or written confirmation for the purchase of the vehicle must also be provided to Authority where the full V5 is not available on application.

3.5 Out of area applicants/licence holders

- 3.5.1 This section refers to applicants/licence holders residing outside of the Mendip area or with a base location outside of the Mendip Area.
- 3.5.2 Applicants for taxi vehicle licences should also refer to section 2.4 of this policy. As stated there, taxi vehicle applications from those residing outside of the area will be refused or not renewed unless the applicant can satisfy the Authority that they will work entirely or predominantly in Mendip. In determining a taxi vehicle application the Authority will consider the relevant information provided in connection with the driver application or if not provided in that way will require the same process to be followed as detailed in annex 5 to determine this point.
- 3.5.3 If Existing Licence Holders are unable to satisfy the Authority on this issue, or if they fail to provide such information, their application will be delayed and may be refused. They are recommended to maintain written or electronic proof that demonstrates that they will work entirely or predominantly in Mendip whilst licensed.
- 3.5.4 In all instances where there is any reasonable cause to believe that a taxi may not be used entirely or predominantly in the Mendip area, the Authority will attach conditions to the grant of the vehicle licence to ensure that the Authority acts in accord with the *Newcastle v Berwick* case. The conditions (attached at annex 8) will be attached to licences for both new applications and renewals where it is deemed as necessary and proportionate by the Authority for it to monitor and regulate whether vehicles are in fact used entirely or predominantly for licensed purposes in the Mendip area.
- 3.5.5 Where a vehicle is not used appropriately in this regard, the licence will be suspended or revoked.
- 3.5.6 The use of these conditions allows the Authority to licence such vehicles that may be perceived as being more likely to work in other areas, whilst providing sufficient regulation to ensure that they are only used in accord with the legislation and are not

used to an inappropriate degree remotely from the 'home' authority where they are licensed. This achieves an appropriate balance between where a vehicle may carry out work and yet maintain an appropriate level of regulation over these licensed vehicles.

3.6 Insurance

- 3.6.1 Vehicles must be properly insured for their intended licensed use, and proof of this must be provided to the Authority prior to the grant of any application or notice.
- 3.6.2 The original or bona fide electronic copy of the Certificate of Insurance must be produced prior to grant of licence. In situations where a cover note only is available at that time, this will be accepted provided that the Certificate of Insurance is provided within 7 working days of the issue of the licence. Where it is not provided a 'stop notice' will be issued to the licence holder.
- 3.6.3 In addition, a copy of the Statement of Facts that has been provided to the insurance agent or broker for the purposes of obtaining that Certificate of Insurance must also be provided to the Authority, within the same timescales.
- 3.6.4 Proof of public liability insurance in connection with the licensed use of the vehicle will be required prior to the grant of a vehicle licence or in connection with any notice given to the Authority.
- 3.6.5 Licence holders are strongly advised to maintain this cover at all times they carry out licensable work to protect themselves against liability claims.
- 3.6.6 The Authority understands that there may be benefits to vehicle proprietors to fit front facing accident recording cameras to their vehicle. These cameras provide no audio or internal passenger recording. The Authority has no objection to the fitting of these cameras in principle provided that written permission is obtained from the Authority prior to fitting. It is an application requirement that they must be fitted by a competent person.
- 3.6.7 However, nothing in the above statement implies that this Authority endorses or recommends these cameras. If any undesirable features become evident, the Authority reserves the right to withdraw this permission.

3.7 Ministry of Transport (MOT) Test

- 3.7.1 All vehicles applications and notices must be accompanied by a valid MOT certificate. The exceptions to this requirement apply to taxi applications granted within 1 year and PHV applications when granted with 3 years from date of the vehicle's first registration.
- 3.7.2 The certificate must be valid for the date of grant of the application or notice.
- 3.7.3 Where an MOT expires during the validity of a licence, the Authority may request the new MOT certificate pass to be provided. On such request in writing, the licence holder must produce the MOT certificate within 3 working days from the date of the

letter; if they do not the vehicle licence will be suspended with immediate effect following that period.

3.8 Vehicle inspections

Routine inspections

- 3.8.1 The Authority requires that all vehicles on application must undergo an assessment of their safety and mechanical soundness. This inspection is in addition to the standard MOT requirements. There is an exception for vehicles that are newly registered and that have a mileometer reading of less than 500 miles at the time of inspection by the Authority. Such vehicles should comply with the requirements of paragraph 3.8.14. The standard of assessment is being raised and is being made clearer to all parties with better consistency and transparency. The changes will promote public safety and raise standards within the licensed trade.
- 3.8.2 From 1 December a vehicle must pass the Mendip Taxi and Private Hire Inspection (MTPHI) prior to grant of application. From that date, only a MTPHI pass will be accepted, all previous versions of Mendip inspection certificates will not be accepted. The MTPHI Certificate must be clearly marked as a pass, and include the following or it will not be accepted by the Authority:-
- a) The mileage recorded at the time of the inspection(s).
 - b) The official stamp of the testing station.
 - c) The signature of the tester(s) who carried out the inspection and retests (if any).
 - d) The date and time of the inspection and retests (if any).
 - e) The vehicle registration mark, make, model and engine size of the vehicle concerned.
- 3.8.3 The MTPHI is based on the standards set down in the 'Hackney Carriage and Private Hire Vehicle National Inspection Standards' produced by the Hackney Carriage and Private Hire Inspection Technical Officer Group. This document is available separately on the Authority's website, to view in hard copy at the Council's main office, Council Access Points and all approved garages. The only aspect of this standard that the Authority will depart from is in respect of vehicle window tinting. The Authority will require compliance with the law in this regard, namely the Road Vehicles (Construction & Use) Regulations 1986. As of 21 February 2013, VOSA have a guide available from the web link in annex 3 that details these restrictions.
- 3.8.4 The Authority will only accept MTPHI Certificates where they are completed by one of the garages approved by the Authority for this purpose. More information is available at annex 9 regarding this approval process and the minimum requirements of garages to carry out these tests and other relevant information.
- 3.8.5 The Authority will only accept the MTPHI Certificate where the vehicle has passed the inspection not less than 21 calendar days prior to the start date of licence.
- 3.8.6 Where a vehicle fails the test, the garage must explain the reasons on the Certificate, and they must publicise whether they will charge for retests. Any retest must be carried out within 14 calendar days of the initial failure, otherwise it will not be accepted by the Authority and a new test must be completed.

- 3.8.7 The MTPHI Certificate to be completed by the approved garage is attached an annex 10.
- 3.8.8 In addition to the initial vehicle inspection prior to grant of licence, the Authority will require with immediate effect all vehicles to pass the MTPHI approximately every 6 months after 3 years from date of registration. This is to raise standards and protect the public by ensuring that vehicles are properly maintained and serviced throughout the licensed period and not just brought up to standard on renewal. All new applications will be subject to this requirement from the implementation of this policy and Existing Licence Holders will be subject to it from their first renewal after 1 April 2014.
- 3.8.9 The Authority is exercising the power under section 50 of the 1976 Act in requiring licence holders to attend an approved garage of their choice within a specific timeframe to undergo an additional MTPHI when the vehicle is more than 3 years old. The vehicle must pass this inspection within that timeframe, which will be not longer than 4 weeks in length.
- 3.8.10 If a vehicle does not pass the MTPHI its licence will be suspended from 00:01 hours on the day following the period given under paragraph 3.8.9. The suspension will only be lifted following receipt by the Authority of a MTPHI Certificate pass.
- 3.8.11 Licence holders are advised to ensure that the vehicle passes the MTPHI within good time and to submit the pass certificate in person on a working day to avoid any potential delays in receipt.
- 3.8.12 In the event of dispute on submission of this paperwork, the onus will be on the licence holder to demonstrate that the vehicle has passed.
- 3.8.13 Any garage situated within the Mendip area that can satisfy the criteria set down in annex 9 may apply to be approved. The approval process will take not less than 1 month to complete.

New vehicle inspections

- 3.8.14 Where an application is for a brand new vehicle with under 500 miles on the mileometer, the following points will be checked by the Authority in lieu of a MTPHI being carried out, prior to issuing the licence:-
- a) Mileometer reading,
 - b) External and internal visual inspection for cleanliness and damage,
 - c) Tyre depth and condition,
 - d) Taximeter being fitted and readily visible to customers (taxis only)
 - e) Fire extinguisher being fitted and fixed properly either readily available for driver or in the boot space.
 - f) First aid kit
 - g) Underneath the vehicle and engine space will visually checked.

3.9 Fire extinguishers

3.9.1 All vehicles must be fitted with a 1kg Dry Powder fire extinguisher in full working order and in date for use. This would be appropriate for use on class A, B and C fires. The extinguisher will be checked on the MTPHI or new vehicle check.

3.9.2 The fire extinguisher must be clearly marked with the licence plate number and this will be checked on MTPHI. It will also be checked on vehicle stop checks and at the discretion of the Authority.

3.10 Trailers

3.10.1 Trailers may be used in connection with taxi and PHV bookings but cannot be used for plying for hire. The Authority will consider conditions concerning the use of trailers.

3.10.2 To use any trailer, it must have been tested and passed at the time of the most recent MTPHI with the specific vehicle to be used with it. Trailers must be adequately insured for any use,

3.11 Additional rows of passenger seats

3.11.1 This section refers to vehicles, which have a seat and door layout that does not provide direct access to an exit for one or more passengers without moving/ lifting other seats.

3.11.2 Some Authorities do not licence vehicles to carry the full manufactured capacity in this situation, and will limit the capacity to ensure that such access to an exit is provided. This is often done by requiring a seat to be moved to allow easier exit.

3.11.3 The Authority strives to protect public safety at all times, but it is aware that such vehicles have been type approved for their use generally. It is unclear whether much (if any) evidence exists to substantiate the assertion that such vehicles are less safe and persons sitting in the additional row of seats are more vulnerable to any risk of harm.

3.11.4 Therefore, the Authority may licence such vehicles, but one or more of the requirements below must be fulfilled and will be checked on inspection by the Authority's officers and by way of the MTPHI:-

- a) Passengers in the rear row of seats must be able to exit through the rear of the vehicle by way of an internal mechanism,
- b) Passengers must be able to exit through rear windows in emergency situations by easily pushing pop out windows or through sliding windows or by use of a glass hammer provided for the purpose of smashing the window.

3.12 Horse drawn carriages

3.12.1 Any hackney carriage licence granted for use with a horse drawn carriage will be subject to the conditions set out at annex 8. As these vehicles do not comply with the criteria set down within this policy all decisions shall be made by a sub-committee.

3.12.2 The following requirements will apply to applications for such vehicles:-

- A horse passport must be produced on application for all horses that will be used in conjunction with the vehicle,
- Veterinary reports must be produced on application for all horses that will be used in conjunction with the vehicle. These reports must confirm that the horse is fit to carry out such work and must be completed by a veterinary competent to carry out such work,
- Appropriate insurance must be produced prior to grant of the licence,
- An inspection of the carriage/landau must be carried out – the carriage check list must be carried out by a panel appointed by the British Driving Society of Heavy Horse Training Committee (contact details in annex 3),
- A duly completed application form and correct fee to be paid.

3.12.3 All the above requirements must be arranged and paid for in full by the applicant.

3.12.4 Drivers for horse drawn vehicles must produce certification by an appropriate body that the applicant or licence holder is suitably qualified and experienced to drive such vehicles and provide appropriately for the welfare of any horses used with the vehicle. Applications for a road driving assessment shall be made either to the British Driving Society or the Heavy Horse Training Committee. The drivers for these vehicles must also hold a dual use licence issued by the Authority and satisfy all requirements laid out in the chapter 2 of this policy.

3.13 (Other) Non – standard vehicles

3.13.1 This section refers to vehicles (apart from horse drawn vehicles) that have one or more of the characteristics below:-

- a) More or less than 4 wheels,
- b) A form of propulsion other than internal combustion engine,
- c) Any vehicle with alterations to the original fuel system,
- d) Any vehicle that could not comply with all relevant vehicle licence conditions and byelaws,
- e) Any vehicle that has less than 2 doors for the use of passengers.

3.13.2 A taxi may be any 'wheeled carriage'. There is no restriction on the number of wheels or on the means of propulsion but the vehicle must carry fewer than 9 passengers.

3.13.3 A PHV must have a motor and be constructed or adapted to carry fewer than 9 passengers.

3.13.4 The Authority will consider any vehicle for licensing provided that it fulfils the criteria laid out in this policy. However, applicants must be conscious of the conditions and byelaws laid out in annex 8 for the different types of vehicle and ensure that they comply in full with these if granted a licence. Where they will not be able to comply in full, they must include a request for those conditions to which they are unable to comply for them to be removed or amended by the Authority. Any such request must be accompanied by a statement of reasons for the exemption.

3.13.5 If an applicant intends to apply for a PHV licence for a motorbike or trike they are strongly advised to refer to the Department for Transport advice on the licensing of

motorcycles. The weblink for this document is attached at annex 3. They should also provide additional information with their application to detail how they will protect public safety in the use of the vehicle for licensed purposes.

- 3.13.6 All applications for such non – standard vehicles will be considered on their own merits by a sub – committee, with the paramount consideration being safety. Applicants are required to submit sufficient relevant information to enable the Authority to determine their application when submitted. Where insufficient information is provided the application will be refused.
- 3.13.7 Any person considering applying for a non – standard vehicle should note that hiring taxis at separate fares is permitted if a scheme is created by the Authority for that purpose under sections 10 -13 of the Transport Act 1985.
- 3.13.8 The only other situation where this is permitted is where a taxi licence holder applies to the Traffic Commissioners under section 12 of the Transport Act 1985 for a restricted Public Service Vehicle (PSV) Operator’s Licence. The route must be registered with the Commissioners and have at least one stopping place in the Mendip area, though it may go beyond the area.
- 3.13.9 Where an applicant intends to operate such a service they are advised to seek advice from the Commissioners in the first instance to ascertain the viability of it before applying to the Authority. These points are made due to the number of enquiries that are made regarding the operation of such services.

3.14 Wheelchair Accessible Vehicles (WAVS)

- 3.14.1 There are ‘approval schemes’ operated by VOSA that refer to ‘Special Purpose Vehicles’ including WAVs. The Authority believes that public safety will only be properly protected by requiring evidence of compliance with such schemes.
- 3.14.2 Where a vehicle is adapted to be wheelchair accessible before it is registered, it should have British or European type approval or have received a Minister’s Approval Certificate (MAC) under the Single Vehicle Approval (SVA) scheme. In either case, the vehicle registration document (V5) should reflect this information at part 4, section k. If it does not contain this information applicants are advised to contact their vehicle supplier as the vehicle may have been modified post registration in which case a MAC is not given.
- 3.14.3 Where a vehicle has been modified to be wheelchair accessible after it has been registered the Authority will require a letter of compliance issued by VOSA under the Voluntary SVA (VSVA) scheme. This will give some reassurance to the Authority, the licence holder and customers that any modification work has been done properly and that the public will be safe.
- 3.14.4 With the exception of renewals all applications for a WAV must satisfy all of the usual application criteria and in addition the vehicle must have either type approval/a MAC under SVA or a VSVA.

3.14.5 With effect from 1 December 2013, all renewal applications must satisfy all of the usual application criteria, and in addition the vehicle must have either type approval or a MAC under SVA or a VSVA.

3.14.6 Further more detailed information can be found on the internet at http://www.direct.gov.uk/en/Motoring/BuyingAndSellingAVehicle/ImportingAndExportingAVehicle/DG_4022105 and <http://www.dft.gov.uk/vosa/repository/SVA%20Information%20Guide%20V1.0%20Oct%2009%20with%20links%20FINAL.pdf> .

3.15 Liquid petroleum gas (LPG), electric and alternative fuels

3.15.1 Where an application is made for such vehicles, the applicant must produce documentation to the full satisfaction of the Authority from the supplier of the vehicle, and/or the vehicle converter, confirming that the vehicle is fit for the intended use. The documentation must include confirmation from a relevant competent person that the vehicle's propulsion is safe and mechanically sound.

3.16 Closed Circuit Television Cameras (CCTV)

3.16.1 Where a vehicle proprietor wishes to install and operate CCTV cameras to cover the interior of the vehicle in respect of audio and/or video they must notify the Authority in writing prior to purchasing such equipment. Furthermore, they must obtain the written permission of the Authority prior to having such equipment installed.

3.16.2 In all instances the Authority will only give such written permission where the criteria as laid out in current Transport for London's guidance document on the fitting of CCTV in taxis and PHVs are complied with in full.

3.17 Stretched limousines

3.17.1 Stretched limousines with 8 passenger seats and less have been increasingly used for private hire work and must be licensed within the area in which they operate. A stretched limousine is considered as a motor vehicle that has undertaken a Ford Qualified Vehicle Modifier (QVM) or Cadillac Master Coachbuilder (CMC) or an equivalent conversion programme resulting in its lengthening by an additional body section.

3.17.2 New applications for a limousine must also be accompanied by relevant documentation that confirms type approval, that is a Single Vehicle Approval Certificate or equivalent and proof that a 'stretch' has been carried out in accordance with 3.19.1 above. Renewals must be accompanied by an SVA and proof regarding the 'stretch' on first renewal after 1 October 2014.

3.18 Taxi table of fares

3.18.1 The Authority shall fix the maximum rates or fares for time and distance and all other charges in connection with the hire, or the arrangements for the hire, of a taxi by means of a Table of Fares.

- 3.18.2 The Authority will consult with taxi licence holders and taxi companies known to it to assist in this regard.
- 3.18.3 The Authority shall carry out a review every 2 years and produce a report. The report will be considered by the Licensing Board by no later than the last day of January each year of a review. Where a change to the Table of Fares is recommended by the Board a notice will be published in at least one local newspaper within the Mendip area setting out the proposed fares, together with the date by which they will take effect. A minimum 14 day period will be provided for objections or comments to be made to the Authority. A copy of the notice shall be available at Mendip District Council's main offices and on the Council's website. If no objections are received the revised fares will come into effect. If objections are received the Authority will consider them and confirm the new Table of Fares within no more than 2 months from the end of the objection period.
- 3.18.4 The Authority shall distribute the new Table of Fares to licence holders as soon as is reasonably practicable.
- 3.18.5 All new applicants must ensure that their taximeter is set to the correct tariff where a new tariff is implemented.
- 3.18.6 All existing licence holders must provide written confirmation to the Authority that their taximeter is properly calibrated to a new tariff within 2 weeks of a new tariff being implemented by the Authority. Failure to do so may lead to suspension of the vehicle licence.
- 3.18.7 The Table of Fares must be displayed prominently within the vehicle to enable passengers to clearly view it at all times.

3.19 Taximeters (Taxis only)

- 3.19.1 All taxis must have a taximeter installed that is in full working order at all times. On any installation of a taximeter a competent person must complete the new Mendip Meter Calibration Certificate (MMCC) to confirm that the meter is both properly fitted as detailed in the relevant manufacturer's instructions and that the tariff is correct. The MMCC must be submitted to the Authority prior to the grant of any application or immediately if carried out during the validity of a licence.
- 3.19.2 All new applications will now require a programmed clock calendar controlled taximeter to be fitted and sealed to the satisfaction of the Authority. Current licence holders will be permitted to continue to use their existing meter until no later than the implementation date of the next hackney tariff change.
- 3.19.3 Taximeters shall be tested for, or on behalf of, the Authority over the 'measured mile' to confirm that fares will be calculated properly.
- 3.19.4 No person shall tamper with any seal on any taximeter or alter any taximeter with intent to mislead. All letters and figures on the face of the meter must be visible at all times to any person being conveyed in the vehicle.

- 3.19.5 Taximeters must be used for **all** journeys where passengers are carried for hire and reward, including when being used for private hire work and when travelling outside of the Mendip area. The total fare charged to customers must not be more than the schedule of maximum fares permitted by the Authority.
- 3.19.6 A driver may agree to accept a lesser fare for any journey. However, the driver must ensure that the taximeter is used and that the customer is informed of the actual metered fare to avoid confusion, particularly where a customer does the same journey with another vehicle. This requirement will be conditioned.
- 3.19.7 PH vehicles are not required to be fitted with a taximeter, but if they are fitted they must be tested and approved by the Authority. The MMCC must be completed by a competent person for this purpose with written confirmation of the schedule of charges provided to the Authority. This scale of charges may be different than the schedule set by the Authority, but must be made available to any customer.
- 3.19.8 With effect from the implementation of the next fares review, where a customer pre-books a taxi for a journey that starts and finishes more than 3 miles from the base of the company or from the proprietor's home address, an additional charge will be set within the fares tariff and may be charged. This charge will be set on an upward scale relevant to the distance from the base/ home above the 3 miles stated. However, this charge shall only apply when a customer has been told in writing or verbally prior to making their booking that such a charge will apply.
- 3.19.9 Note this 'extra' will only come into force upon the implementation of the next hackney fares review.

3.20 Taxi ranks

- 3.20.1 The physical implementation of a public taxi rank is a Somerset County Council (SCC) function as they are responsible for the highways.
- 3.20.2 SCC is responsible for the legal side of producing parking orders, marking out bays and erecting signage. Therefore, where there are concerns regarding maintenance of these matters, SCC should be contacted directly to resolve problems. The relevant contact details are provided at annex 3.
- 3.20.3 The main role of the Authority is to act as liaison between the licensed trade and SCC. This role is best served through discussion of such issues at the Taxi/ PH Liaison Meeting and through other means, such as the website.
- 3.20.4 Where there is a desire to site a new rank or alter the location of an existing one, the pro forma available for this process should be completed. That form asks for a list of those other license holders that support the request. The Authority will expect that at least 10 other named licence holders support a proposal and that meaningful research has been done into the practical effect of the change proposed prior to discussing the proposal with SCC.
- 3.20.5 Licence holders must always be conscious of the impact that a taxi rank can create on the surrounding area. They should always act in a way that does not adversely impact on the local community, and advise their customers to act responsibly.

Where justified complaints are made to SCC it may lead to the removal or relocation of a rank.

3.20.6 The following list includes some of the problems that can cause nuisance and annoyance to the local community and must be avoided:-

- a) Engines left running excessively,
- b) Horns being used late at night,
- c) Car audio being played at an excessive volume,
- d) Loud voices and shouting,
- e) Litter.

3.21 Taxi/ PH liaison meeting

3.21.1 The Authority will arrange and facilitate a Taxi/PH Liaison Meeting to be held at least twice a year.

3.21.2 These meetings will be publicised by way of the Council's website and social media, when available. Notice will also be given through an electronic newsletter to be circulated in parallel to those meetings, approximately one month before to those businesses/drivers for which the Authority hold a valid e-mail address. Those without suitable e-mail or internet access may request a hard copy of the newsletter.

3.21.3 These meetings will rely to a large extent on those that make a commitment to attend. They will be open meetings (room capacity permitting), but all persons wishing to attend should confirm that they will do so by email or in writing (providing their full contact details).

3.21.4 These meetings are seen as crucial to maintaining an open line of communication to the trade and in particular the Authority will discuss any changes that may be being considered/ implemented where they are likely to materially affect most of those licensed. Where the Authority must act quickly in a given set of circumstances it will not be possible to hold a meeting to discuss the proposals but the Authority will explain the circumstances surrounding any changes at the next meeting.

3.21.5 There may be the need to arrange extraordinary Taxi/PH Liaison Meetings, where circumstances dictate, but not less than 1 week's notice will be provided in such instances. In these situations the meeting may be restricted to less potential participants for practical reasons.

3.22 Conditions and byelaws

3.22.1 The Authority is empowered to impose such conditions, as it considers reasonably necessary, in relation to the granting of a taxi or PHV licence. As these vehicles provide a service to the public it is appropriate to set criteria by way of condition for the external and internal condition of the vehicle, provided that these are not unreasonably onerous. The current conditions are attached at annex 8.

3.22.2 It should be noted that new conditions for both taxi and PHV are being considered and would be consulted upon in due course. This is because some of the controls in this policy can only be exerted through the imposition of conditions.

3.23 Vehicle door and other signage

3.23.1 It is important that the public are able to easily distinguish each type of licensed vehicle. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV cannot legally respond to a hail in the street. PHVs display the local authority licence plate and clearer identification is seen as best practice. This is for two reasons: to ensure a more positive statement that the vehicle cannot be hired immediately through the driver and because it is reasonable, and in the interests of the travelling public, for a PHV operator to advertise their contact details.

THIS IS NOT CURRENTLY SUPPORTED BY CONDITION REQUIRING A ROOFSIGN ALTHOUGH IN PRACTICE MOST DO DISPLAY.

3.23.2 Taxis will be required by condition to display an approved rooftop sign that states the vehicle is a 'taxi' and this shall be lit at all times the vehicle is available for hire. If the vehicle carries out a hiring of over 20 miles they may remove the sign whilst carrying out the hiring and whilst returning to the area.

3.23.3 Roof mounted signs will not be permitted on PHVs even if they indicate 'pre – booked only' as any roof mounted sign, may create confusion with a taxi.

3.23.4 All PHVs will be required to display approved signage externally on the both front doors that states the vehicle is available for pre-booked work only. Note, this requirement will only be enforced when conditions of private hire vehicle licence have been reviewed to include this requirement.

3.24 Vehicle licence plates

3.24.1 The vehicle licence plate issued by the Authority shall be affixed to the rear exterior of the licensed vehicle at all times. It shall be maintained in a good condition and remain clearly visible.

3.24.2 Proprietors that use PHVs for executive/prestige/VIP type business may apply for a dispensation to not display a licence plate and door signage. In these circumstances the laminated certificate issued by the Authority confirming that such a dispensation is in force must be carried in the vehicle and produced for inspection upon request. An application for exemption must be submitted to the Authority and will be considered by an officer of the Council.

3.24.3 The loss of a vehicle licence plate must be reported to the Police and a crime reference number obtained. The Authority must be informed on the next working day so that a replacement can be obtained on payment of the prescribed fee.

3.24.4 The vehicle licence plates remain the property of the Authority and shall not be copied or used in a fraudulent manner.

3.24.5 Where any licensed vehicle, that is required to display a plate, is found not displaying the licence plate in the appropriate manner as set down below. The vehicle will be issued with an immediate suspension or 'stop notice' under section 68 of the LG

(MP) A 1976. There will be a 'zero tolerance' of failure to comply in this regard to ensure plates remain clearly visible to the travelling public.

3.24.6 The following points will be considered by the Licensing Authority to determine whether the plate is displayed in an appropriate manner:-

- The whole plate must be clearly visible and not obscured by tape or other articles.
- The plate must be kept clean and free of dirt at all times and all information must be easily readable.
- The plate must be fixed to the outside rear of the vehicle – it must not be placed on the inside of the vehicle.
- The plate must be securely fixed so that it cannot be easily pulled off the vehicle.

3.25 Advertising

3.25.1 Any license holder must obtain written consent from the Authority to place any advertisements on a vehicle, in accordance with the principles laid down in annex 11.

3.25.2 Decisions in this regard will be made by officers of the Authority. Any licence holder who is aggrieved by the officer's decision has the right to request the matter be re – considered by the Licensing sub - committee. The Authority will convene a meeting as soon as is practicable and the licence holder shall be permitted to attend and make representations. The decision of the sub – committee will be final.

3.26 Spare tyres

3.26.1 All licensed vehicles are expected to either carry a legal and safe means to repair and/or replace a damaged tyre or have access to a service or provision that will repair or replace a tyre legally and safely.

3.26.2 The following may be utilised where appropriate:-

- Standard spare tyre with at least minimum legal tread.
- Space saver tyre – for temporary use with a standard tyre being fitted by no later than the end of the next working day.
- Emergency tyre repair foam products (or similar) – for temporary use, where safe and legal to do so, with a standard spare tyre or repaired tyre being fitted by no later than the end of the next working day.

3.27 Best practice and partnership working – other vehicle inspections

3.27.1 The Authority will endeavour to carry out multi agency 'stop checks' in the course of a year with its partners ASC and VOSA, resources permitting. These checks will involve detailed inspections of vehicles being carried out.

3.27.2 The Authority will also carry out further ad hoc stop checks.

3.27.3 The Authority expects some proprietors will present their vehicle voluntarily for inspection but other proprietors will be required to attend by written/verbal notice of not less than 3 working days prior to the day of the check.

- 3.27.4 The Authority will carry out stop checks at schools in the Mendip area on an occasional basis to check vehicles and drivers carrying out school contract work in vehicles with less than 9 passenger seats.
- 3.27.5 Where problems are found on vehicles this may lead to prohibition notices, warning notices or other enforcement notices being issued by the Authority and/ or its partner agencies. Certain notices may lead to suspension of the vehicle licence until the problem is resolved or other enforcement action is taken.
- 3.27.6 In carrying out any such inspections the Authority and partner agencies will have regard to the VOSA Categorisation of Defects (a web link for this document can be found in annex 3) and any relevant licence conditions and/ or byelaws.
- 3.27.7 In certain instances, further action may be taken by the Authority against the driver and/or vehicle licence holder of the vehicle where faults are found on a vehicle, as outlined below.
- 3.27.8 Where one or more mechanical defects or faults or other damage to a vehicle are found, that in the opinion of the Authority could have directly caused harm to passengers being carried in that vehicle or to the wider general public using the public highway; the driver of the vehicle concerned will be required to attend a Licensing sub – committee. The sub – committee will consider whether the driver’s actions or inactions suggest that he may no longer be fit and proper to be licensed as a dual use driver.
- 3.27.9 Where such serious faults as outlined in 3.29.8 are found on a vehicle, the Authority will also consider formal action against the vehicle licence holder concerned. This may include suspension, revocation or refusal to renew the licence concerned.
- 3.27.10 Where other faults are found, this may lead to formal action being taken by the Authority by giving penalty points to the driver concerned under the Mendip Dual Use Driver Penalty Points System (see 2.21).

4.0 PRIVATE HIRE VEHICLE OPERATORS (PHVOs)

- 4.1 The Authority may licence an operator for PHV purposes. This means a person may be licensed 'in the course of business to make provision for the invitation or acceptance of bookings for private hire vehicles'.
- 4.2 The Authority will consider the fitness of the persons and the suitability of the premises from which a person will operate.
- 4.3 If the applicant does not hold a current dual use driver's licence they will be required to produce either a subject access document from the Police Authority within which that person is resident or a basic disclosure from the DBS (currently this service is only available through Disclosure Scotland) prior to the granting of the operator's licence. The document containing any criminal history data must be issued not earlier than 1 month from the date of submission of the completed PHVOs licence application.
- 4.4 All applicants must provide full details of all drivers and vehicles that are working for them or are proposed to work for them should the licence be granted. This information must include the following:-
- Drivers
 - First name and surname
 - Licence expiry date
 - Licence number
 - Vehicle
 - Vehicle licence number
 - Vehicle registration number
 - Plate number
 - Licence expiry.
- 4.5 All new applications for PHVO licences will be required to have an office or base where the provision for the acceptance of bookings is generally made within the boundary of the Mendip area.
- 4.6 From 1 October 2014 all existing licence holders must have an office or base where the provision of accepting bookings is generally made within the Mendip area to continue to be licensed by the Authority. Where they do not do so, their licence renewal will be refused after that date.
- 4.7 All applicants must provide the Authority with full address details of any premises to be used in connection with their PHVO operation. All new applicants must show written confirmation that the premises has appropriate planning permission or demonstrate in writing the planning position for their premises. The Authority will notify the Planning Department of all such applications being made for a PHVO licence.
- 4.8 The Authority will require details of all vehicles and drivers that carry out work for or on behalf of the operator, or that are proposed to in the case of new applications.

- 4.9 By way of condition operators will be required to hold copies of the licences for all drivers and vehicles that carry out work for them.
- 4.10 By way of condition, the Authority will require that information provided by the applicant /operator is at all times kept up to date and accurate.
- 4.11 The Authority will require that all private hire bookings accepted by an operator are recorded and that this record is available for inspection by the officers of the Authority on request.

4.1 Mobile telephones

- 4.1.1 The issue of PHVOs taking bookings via mobile telephone is not clearly referred to in the legislation. However, the licence holders are reminded that if they take bookings whilst outside of the Mendip area, they may be liable to enforcement action by that licensing authority as they may be committing an offence.

5.0 COMPLAINTS

- 5.1 The Authority receives complaints regarding licensed persons/ businesses/ vehicles and has a pro forma that can be used for this purpose.
- 5.2 The Authority will investigate and respond to all formal complaints that it receives where the complainant identifies themselves to the Authority, but the Authority will give anonymity to complainants as far as is practicable in the given circumstances. If complainants fail to provide sufficient information to allow a proper investigation to be carried out, this is likely to undermine such an investigation; and formal action is unlikely to be taken by the Authority.
- 5.3 Ideally, complainants should take note of the following information in connection with a complaint: the company name, the vehicle registration, the vehicle licence plate number, the vehicle make/ model/ colour, the time and date of the problem arising and the name or description of the driver.
- 5.4 The provision of as much information as possible in respect of a problem arising is important in allowing the Authority to properly investigate such complaints.
- 5.5 Complainants will receive an acknowledgment of receipt of a complaint within 4 working days, and will be given updates on an investigation where appropriate.
- 5.6 Complainants may be asked to provide a written statement confirming the details of an incident, and may be requested to attend court proceedings in serious cases. If a complainant is not willing to do either they should make this clear from the outset and explain their reasons, as this may affect the weight attached to their evidence.
- 5.7 It must be noted that although the Authority takes justified complaints against those it licences very seriously, there are some limitations to its response.
- 5.8 Ultimately, customers that experience poor service from those that we licence are advised to contact the Authority, but importantly they are also advised to seek alternative service providers.
- 5.9 The key areas that may give rise to complaints, include the following:-

a) Drivers

- i) Disagreements over fares,
- ii) Driver's conduct,
- iii) Overloading with passenger numbers (Note – all persons including babies and young children should be counted for the purposes of the vehicle passenger capacity),
- iv) Driver's behaviour or language towards a customer or others,
- v) Allegations of drug or alcohol abuse,
- vi) Working in other areas.

b) Vehicles

- i) Condition or road worthiness,

- ii) Proper display of licence plates,
- iii) Lapsed MOT/ insurance.

c) Operators

- i) Allegations regarding conduct of those persons associated with a particular firm,
- ii) Disagreements over fares,
- iii) Contractual disagreements.

5.10 As can be seen from above many issues can arise from disputes between customers and drivers/ operators – particularly with respect to fares/ booking times/ vehicle type booked. Therefore, customers are advised to confirm bookings in writing or by email or even by text message, and retain this information in case of disputes arising.

5.11 It is in the interests of drivers and operators to best record their bookings in writing or electronically to avoid such disputes.

5.12 Drivers and operators are advised that where a dispute arises that they maintain a written/ electronic record made contemporaneously of any relevant conversations or communications. This may assist the Authority in carrying out an investigation where a complaint has been made to it.

5.13 The following gives an idea of the approach adopted on receipt of a complaint:-

- a) The complaint will be acknowledged and recorded.
- b) An officer will carry out an initial assessment of the complaint and decide if further information and/ or a written statement are required from the complainant.
- c) An officer will determine the most effective way to respond to the complaint and act accordingly. This may include taking a statement from the licence holder or carrying out a recorded interview, and considering their previous history and behaviour.
- d) An officer will decide the most appropriate action to take, generally from those actions detailed below at 5.14
- e) An officer will contact the complainant to update them of how the matter is proceeding.

5.14 At the conclusion of an investigation, the following options are available to the Authority, and it may utilise more than one option if deemed appropriate:-

- a) No further action.
- b) Written warning given.
- c) Penalty points may be attached to the dual use driver licence by an authorised Officer or Licensing sub - committee.
- d) The matter may be referred to a sub – committee, and the licence may be suspended, revoked, not renewed or conditioned.
- e) A formal caution may be given.
- f) Prosecution action may be commenced.

ANNEX 1**PROCESS TO AMEND POLICY**

This annex highlights the process to be followed where amendments to the policy are required prior to any full review being undertaken. That is to say in the following scenarios:-

- a) Legislation changes that effect the detail contained in the policy.
- b) Changes that are needed to respond to adverse and urgent situations affecting the Authority.
- c) Changes that are needed due to serious problems with the implementation of this policy.
- d) Changes to annexes such as conditions or byelaws.
- e) Any other situations that arise where this seems appropriate.

The Authority will take the following action in such situations:-

- a) Highlight the issue with licence holders by way of discussion at the Taxi/ PH Meeting, notice on the council's website and notice by way of other electronic means (where available).
- b) Consult with those most likely to be affected by the proposed change, through the means laid out in a) above. This would done for not less than 4 weeks.
- c) Produce a report to Licensing Board to consider the proposed change and any views given in writing or by electronic means to the Authority in this regard.
- d) Licensing Board determine whether a proposed change should be implemented.
- e) Publish the decision of the Licensing Board, making relevant amendments to the policy including annex 1A and notify licence holders through the means laid out in a) above.

ANNEX 1A**SUMMARY OF CHANGES TO POLICY SINCE ADOPTION****Approved by Full Council on 24th February 2014**

Section 2.10 amended regarding DSA Taxi Test requirement for existing drivers.

ANNEX 2

This annex provides a brief glossary to certain key phrases and words relevant to the policy.

VOSA – Vehicle and Operator Services Agency – ‘provides a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles, ensuring the compliance of operators and drivers, and supporting the independent Traffic Commissioners’.

DfT – Department for Transport – UK government department.

DVLA – Driver and Vehicle Licensing Authority

WAV – wheelchair accessible vehicles

SVA – single vehicle approval (scheme)

VSVA – voluntary single vehicle approval (scheme)

ANNEX 3**RELEVANT CONTACTS, WEBSITES AND DOCUMENTS ONLINE**

Disclosure and Barring Service (previously the Criminal Records Bureau) website
(www.DBS.gov.uk)

Home Office's Employers' Helpline (0845 010 6677) can be used to obtain general information on immigration documentation

Evidence and Enquiry Unit, Floor 12 Lunar House, Wellesley Road, Croydon. CR9 2BY.
Telephone – 020 8196 3011

VOSA - <http://www.dft.gov.uk/vosa/>

DfT - website address - <https://www.gov.uk/government/topics/transport>

DfT guidance note August 2011 on private hire vehicle licensing -

<https://www.gov.uk/government/publications/private-hire-vehicle-licensing-guidance-note>

DfT guidance note July 2012 on the licensing of motorcycles as private hire vehicles –

<https://www.gov.uk/government/publications/licensing-motorcycles-as-private-hire-vehicles>

DfT - taxi and private hire vehicle licensing – best practice guidance – March 2010 –

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

DfT VOSA – guide to the single vehicle approval (SVA) scheme

<http://www.dft.gov.uk/vosa/repository/SVA%20Guide%20v.6.0%20Aug%202012%20with%20links.pdf>

DfT VOSA – guide to the law on window tinting as of February 2013

<http://dft.gov.uk/vosa/repository/Tinted%20Windows%20Oct%202008.pdf>

DfT VOSA – Categorisation of Defects

<http://www.vosa.gov.uk/vosa/repository/Categorisation%20of%20Defects.pdf>

Gov.uk – DVLA penalty points endorsements

<https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>

Transport for London - CCTV Guidance for Taxis and PHVs

<http://www.tfl.gov.uk/assets/downloads/businessandpartners/cctv-guidelines-for-taxis-and-phvs.pdf>

ANNEX 4

LIST OF CONSULTEES

The following persons and bodies have been consulted in the provision of this policy document:-

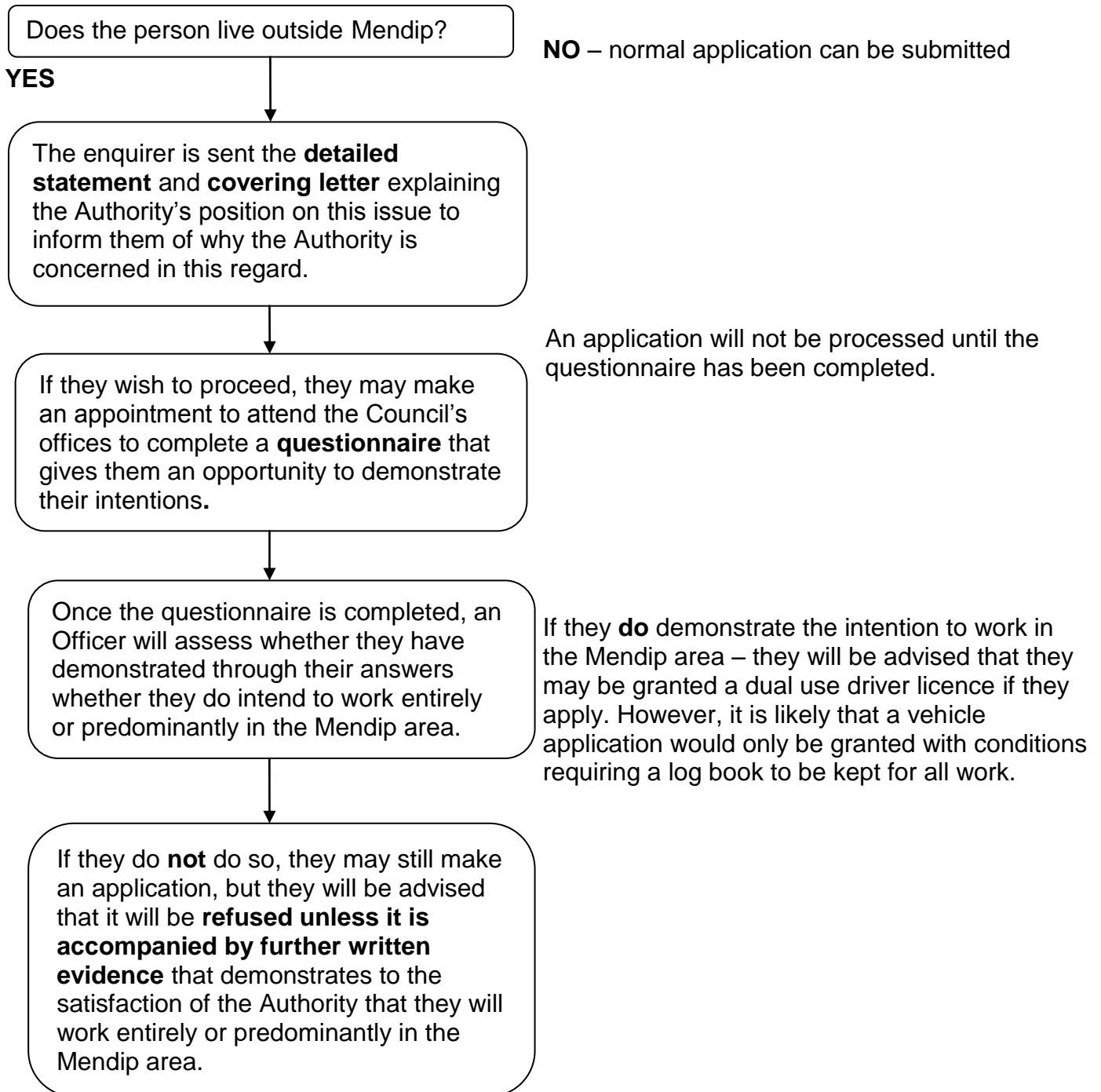
1. All licence holders of hackney carriage vehicle licences, private hire vehicle licences, dual use drivers licences and private hire operators licences (as of 15/01/2013)
2. All garages that undertake the vehicle inspections, as of 15/01/2013.
3. Avon and Somerset Constabulary.
4. All neighbouring local authority licensing teams that have a common border with Mendip district.
5. The Vehicle and Operator Services Agency (VOSA).
6. All current Mendip parish councils and all Mendip ward councillors, as of 15/01/2013.
7. Mendip Citizen's Advice Bureau
8. Compass Disability Services
9. Somerset Racial Equality Council.
10. Federation of Small Businesses Somerset and Wiltshire region and Yeovil and Mendip branch.

ANNEX 5

PROCESS FOR DETERMINATION OF OUT OF AREA APPLICATIONS

This annex briefly summarises the process for dealing with dual use driver applications from persons that reside outside of the Mendip area. However, it does also have reference to taxi vehicle applications, and the potential setting of conditions for vehicle applications.

For these purposes, an applicant is considered as an out of area applicant, if they reside outside of the Mendip area when they apply.



ANNEX 6

GUIDELINES TO THE RELEVANCE OF CRIMINAL RECORD AND OTHER DATA

Introduction

On submitting a new application, the applicant must apply for a DBS check. The content of this check must be made available to the Authority prior to the grant of an application. If the DBS check reveals any conviction data or other information, this will be considered by the Authority.

The DBS is in the process of implementing an Update Subscription Service, at the time of this policy going out for consultation. This service will permit the applicant to allow the Authority to view any criminal history and other relevant information, at any time whilst the Subscription is in place. All applicants/ licence holders will be required to use this service throughout the time that they are licensed, as it will enable the Authority to consider this data throughout that period.

The Authority will continue to require DBS checks to be provided for drivers renewing their licence on a 3 yearly cycle until the Update Subscription Service is in place.

The Authority will have regard to these guidelines when considering any criminal, motoring and other relevant data that it may receive in connection with an applicant or licence holder.

Recording convictions/ DBS Code of Practice

The Authority complies with the DBS Code of Practice in regard to use/retention of this information. The Code of Practice prohibits the recording of information contained in checks for longer than is necessary.

Therefore, no information in respect of criminal convictions (other than taxi or PHV offences) is entered on any applicant's or driver's file and DBS checks are only retained for the duration of and purposes of informing the decision making process of the Authority.

However, self-declarations of convictions by applicants and licensed drivers will be retained within their file, conviction information provided to the Authority by third parties (e.g. police) for the purposes of informing the decision making process may be retained. References to convictions in minutes and reports that are made as part of the decision making process may also be retained.

Types of DBS Check

There are two levels of DBS check, these are known as standard and enhanced.

Both the standard and enhanced checks contain details of:-

- spent convictions
- unspent convictions
- cautions
- reprimands and final warnings¹

¹ *Reprimands and Final Warning are only issued to persons under 18. A reprimand or final warning is not a conviction and does not constitute a criminal record. However, police records are held for up to 10 years on young offenders who receive a reprimand or warning.*

This information comes from the Police National Computer (PNC). The standard check only reveals relevant information that is recorded by the police on the PNC.

The enhanced check is a wider and more comprehensive record check and is available for those working in Regulated Activity with children or vulnerable adults, it will also contain any information held by the Independent Safeguarding Authority (ISA).

As licensed drivers may, at any time and without prior knowledge, be in sole charge of passengers under 18 years of age and vulnerable adults, the Authority has determined that the enhanced DBS check is appropriate in respect of all applicants for dual use driver's licences.

Approved information

The enhanced DBS check uses the same PNC information as the standard check, but also includes a check of police records held locally. Enhanced checks may contain approved and/or additional information.

Approved information is non-conviction information provided by the police from their local records. The Chief Police Officer in each force will decide what, if any, information to provide. The DBS will print this information on both the applicant's and the Registered Body's copy.

If an applicant has, on more than one occasion, been arrested or charged for a serious offence, but not been convicted; where the Authority considers that on the balance of probability he is likely to be a danger to the public, the application is likely to be refused. This would include serious offences of a violent or sexual nature. The Authority must have reasonable cause to do so and would not take such a decision lightly.

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

Additional information - police intelligence

The Chief Police Officer may decide it is necessary in the interests of the prevention or detection of crime to release additional information to the Registered Body only. This additional information is provided in the form of a separate letter and must not be revealed to the applicant without police consent. This sensitive police intelligence, may be disclosed by the police to the Authority, but not the applicant. The Authority will seek advice from the police on how such information can be used in each instance. If the police do not give their permission for the data to be made known to the applicant, then the Authority will not consider it in their determination of the application. If the Authority were to do so without reference to the individual concerned, it may undermine the fairness of the consideration of the application.

Spent convictions

The enhanced check will include any spent convictions and the Authority is entitled to consider these when coming to a decision provided these are relevant to the role of carrying passengers for hire and reward. *(Note this point is subject to a recent High Court decision which has been staid pending an appeal and may change in the future).*

Adult cautions

Adult cautions (also known as police or simple cautions) are not convictions, but as they are admissions of guilt, they are taken into consideration in the determination of good character. In considering a caution the following factors will be taken into account:-

- a) the nature of the offence
- b) the driver's offending history; and
- c) the guidelines applicable had it been a conviction.

Absolute and conditional discharges

A court may dispose of a case by issuing an absolute or conditional discharge which is not a conviction although it results from a finding of guilt. However, the Authority will take the circumstances that resulted in the discharge into consideration when determining fitness. In the event that an applicant has been the subject of an absolute or conditional discharge for an offence that would have resulted in refusal should he have been convicted, further information regarding the case will be required.

Suspended sentences

Suspended sentences will be treated the same as if they had been put into effect immediately. However, as a court decided to suspend the sentence, this will be taken into consideration when determining an applicant's fitness to be licensed. Consideration will also be given to the applicant's behaviour during the period of suspension.

Consideration of disclosed criminal history

Where the DBS reports previous criminal convictions and/or other significant information, consideration will be given to each individual's suitability for licensing against the following criteria:-

- a) nature of the offence(s)
- b) circumstances in which any offence was committed
- c) circumstances of the individual concerned
- d) subsequent periods of good behaviour
- e) overall conviction history
- f) sentence imposed by the court
- g) any other character check considered reasonable (e.g. personal references)

Outstanding charges or summonses

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

If the outstanding charge or summons is for an offence that would result in refusal if convicted, then the application must be put on hold until proceedings are concluded.

ASBOs

Anti Social Behaviour Orders (ASBOs) are civil, not criminal, sanctions (although breaches are punishable by up to five years in prison) and are handled by police and local authorities working in partnership. ASBOs are aimed at tackling serious, persistent but relatively low-level disorder that can blight communities. The orders often include restrictions on entering a geographical area or shop but can include bans on specific acts.

By their very nature, ASBOs are issued to individuals who have committed anti-social behaviour which may not be compatible with becoming a licensed driver. If an applicant is the subject of an ASBO, consideration must be given to the nature of the order and any conditions that the applicants must meet. If the behaviour that led to the ASBO appears incompatible with being a licensed driver, the application will be refused.

New applications

General

The licensing system is designed to protect the public and therefore issues of concern on an application must be given proper consideration. The Authority at all times will be cognisant of the importance to an individual of seeking employment, but will consider whether on the balance of probability that individual is more likely than another to be a threat to the public. In all instances, the Authority will determine each case on its own merits having regard to these guidelines and at all times will act reasonably and proportionately to protect the public.

Violence

Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence.

In other cases, anyone of a violent disposition will not be licensed until they have been free of such convictions for at least 3 years (from the date of the conviction). Given the range of offences that involve violence, consideration must be given to the nature of the conviction.

a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence involving violence against the person that resulted or was intended to result in death or serious injury.

b) An applicant should be free of conviction for at least 5 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for an offence involving violence against the person that resulted in or was intended to result in injury (such as grievous bodily harm and actual bodily harm).

c) An applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for an offence involving violence against the person without injury (such as threats to kill, assault without injury and harassment).

An application will normally be refused if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

The seriousness and circumstances surrounding any offence committed will be considered in all instances. In the event of an application being granted, a strict warning both verbally and in writing may be given by the Authority.

Possession of a weapon

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.

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).

Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised.

The Authority will consider these offences in the following manner:-

- a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence involving most serious sexual crime (including rapes, sexual assaults, and sexual activity with children).
- b) An applicant should be free of conviction for at least 7 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for an offence involving other sexual offences (including soliciting, exploitation of prostitution, and other unlawful sexual activity).
- c) In addition to the above the Authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.
- d) An application will normally be refused if an applicant has more than one conviction for a sexual or indecency offence.

An applicant with a conviction for an offence of a sexual nature who meets the guidelines in (b) may be granted a licence subject to a written warning.

Dishonesty

A dual use licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. 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 local currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

In general, at least 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) will be required. 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.

An application will normally be refused if an applicant has more than one conviction in the last 10 years for an offence of dishonesty.

Drugs

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 will be considered.

An application with an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted, but consideration must be given to the nature and quantity of the drugs, as well as the sentence imposed by the court. A more severe court penalty should indicate that a sterner stance will be taken.

An application will normally be refused if the applicant has not been free of convictions for 5 years, where they have more than one conviction for offences related to the possession of drugs.

An application will normally be refused where there is a conviction for an offence related to the supply, importing or production of drugs and they have not been free of conviction for at least 7 years (or at least 3 years must have passed since the completion of the sentence, whichever is the longer).

If there is evidence of persistent drugs use, misuse or dependency (e.g. two or more convictions for possession) a specialist medical examination may be required to ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency.

Driving offences involving the loss of life

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.

An applicant should be free of conviction for at least 7 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:-

- a) Causing death by dangerous driving
- b) Causing death by careless driving whilst under the influence of drink or drugs
- c) Or any similar offences.

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), if he has a conviction for: -

- a) Causing death by careless driving
- b) Causing death by driving: unlicensed, disqualified or uninsured drivers

Drink driving/ driving under the influence of drugs

As license holders 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. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

At least 3 years, after the restoration of the driving licence following a drink drive conviction should elapse before a new 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.

If a licence was granted the applicant would be warned as to the significant risk to his licence status in the event of re-offending.

Endorsements - traffic offences

All current endorsements will be shown on an individual's driving licence and may be taken into account, since a poor driving record may raise doubts about the applicant's fitness to drive the public or indicate disrespect for the law.

An endorsable offence will usually attract penalty points and/or a period of disqualification. Some endorsable offences can be only be dealt with by a court, others can be dealt with by either prosecution or fixed penalty notice.

A full list of the endorsement codes and penalty points is available on the Gov.uk website and the weblink is produced at annex 3.

Given the number and variety of such offences, the Authority will be concerned where an applicant has 6 points or more and/ or where the number of points given or the level of fine suggests a higher degree of seriousness to the offence being given by the courts. Isolated minor motoring offences are not likely to affect the determination of an application, but the seriousness and nature of offences will always be considered.

Where concerns exist regarding the applicant's driving ability in this respect, they will be required to pass the DSA Taxi Test prior to the grant of an application.

Touting

Section 167 of the Criminal Justice and Public Order Act 1994 created the offence of 'touting', in a public place to solicit persons to hire vehicles to carry them as passengers.

Following a touting conviction or caution, at least 12 months should elapse before an application will be considered. Unless there is significant mitigation, an application will normally be refused where the applicant has more than one touting conviction or caution.

An applicant with an isolated conviction or caution for touting that is more than one year old, may be licensed subject to a written warning.

Summary

To summarise, a criminal history in itself may not automatically result in refusal of an application and a 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 at least 3 to 7 years, according to circumstances, before an application may be granted. However, there may be occasions when an application may be granted before 3 years free from conviction has elapsed.

The overriding consideration is whether a person is fit and proper to be licensed, to ensure that the public are adequately protected. Therefore, the Authority will consider whether the applicant or licence holder is more likely than not to commit further criminal offences or flout the law and so might put the public at risk, by reason of their past actions. In addition, the Authority will consider whether those actions alone suggest that the person concerned is simply not of good character and so should not be considered as fit and proper to be licensed.

Conclusion

While it is possible that an individual may have a number of convictions that, individually, meet the above guidelines, the overall offending history will 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. However, the overriding consideration is the protection of the public.

Licence holders

General

Where an individual is licensed and during that period there is any reasonable cause for the Authority to consider that they are not fit and proper to remain licensed, the Authority may formally revisit that consideration. The Authority may take whatever action it deems is necessary and proportionate to ensure that the public are protected. The consideration to revoke or suspend a licence will never be considered lightly, however, the licensing system is designed to protect the public and therefore issues of concern that arise must be given proper consideration. The Authority at all times will be cognisant of the importance to an individual of their livelihood, but consider whether on the balance of probability that individual is more likely than another to be a threat to the public and at all times will act reasonably and proportionately to protect the public.

The Authority may use the power of suspension of a licence holder to better ensure that the individual is more likely to behave in an appropriate manner in the future.

New convictions

Action taken in respect of new convictions coming to the attention of the Authority will depend upon:-

- a) the seriousness of the latest offence(s),
- b) any previous criminal history,
- c) any earlier suspensions, warnings, etc,
- d) any mitigation or defence offered, and
- e) promptness of advising the Authority.

When considering what action to take, the Authority has four options:

- a) revocation
- b) suspension
- c) written warning
- d) no further action

Where an individual that holds a licence commits an offence or acts in a way that is contrary to being licensed, the Authority will refer to the guidelines laid out previously for new applications and consider the issue in accord with the criteria laid out therein and the comments in this section of the guidelines. However, the Authority expects those licensed to actually better appreciate the potential affect of any wrongdoing on their status as a licence holder and this will be balanced against the fact that their livelihood is earned through being a professional driver and taking their licence away would curtail this activity.

Furthermore, those holding a licence are informed that certain actions will be considered more harshly than for new applicants, because the licensed driver is expected to better understand and appreciate the standard of behaviour expected from those licensed than someone who may not have been licensed when they committed the offence.

In serious cases resulting in imprisonment (including suspended prison sentences), the revocation of a driver's licence is likely to follow; and any convictions which suggest the public may be at risk are of particular concern.

However, where an offence is less serious, mitigating circumstances are introduced or the offence appears out of character - a period of suspension or a written warning may be considered appropriate.

Immediate suspension of licence

If the Authority becomes aware that a licensed driver has been arrested, charged or cautioned for a serious offence which suggests he would be a danger to the public, consideration will be given to immediate suspension of his licence. Such offences would include serious assaults, rape, paedophilia and other serious sexual and indecency offences and use of illicit drugs or excess alcohol whilst at work.

In assessing the action to take, the safety of the travelling public will be a paramount concern. The Authority may take appropriate action if the driver is remanded in custody or subject to bail conditions which preclude him from working as a driver.

Where the Authority considers suspension or other action may be required, it will take reasonable steps to give the licence holder an opportunity to be heard to offer up any mitigating circumstances or any defence that they may believe that they might have in relation to the (alleged) offence(s). The Authority will consider any such information if it is given within the requested timescale prior to determining the matter.

This process may be recorded and may be carried out by an authorised Officer, if this is considered as appropriate, as it is likely to be carried out expediently. In such instances a driver may bring along to that interview a friend or legal representative for support, but they will be expected to speak for themselves. It should be noted that this recording will subsequently be made available to the Police on request (if appropriate).

The Authority will take reasonable steps to convey notice of any suspension as soon as is practicable thereafter.

ANNEX 7

REQUIREMENTS FOR PHOTOGRAPHS FOR DUAL USE DRIVER LICENCE APPLICATION

Passport photos are a vital part of an application. If the photos supplied are not suitable, the application will be delayed. Applicants are advised to get it right first time get it right first time. The photos sent with the application must be:-

- the photo must be endorsed as a true likeness by a person of standing or professional that has known the applicant for not less than 2 years on first application
- the size of a standard passport photo taken in a photo booth or studio (i.e. 45 millimetres high x 35 millimetres wide)
- taken against a plain cream or plain light grey background
- in colour, not black and white
- printed to a high quality (i.e. photos printed by a booth or studio. Photographs printed at home must be of a satisfactory quality)
- printed on plain white photographic paper
- not torn, creased, or marked
- not trimmed or cut down from a larger photo to the size of a standard passport photo)
- not have any writing on the front or back – except when one of the photos needs to be certified.

The picture in the photos must be:-

- facing forward and looking straight at the camera
- a close-up of the head and shoulders with a recommended head height (the distance between the bottom of the chin and the crown of the head) of between 29 and 34 millimetres
- clear and in sharp focus, with a clear difference between the face and the background
- taken within the last month
- show a neutral expression with mouth closed (no grinning, frowning or raised eyebrows)
- taken with eyes open and clearly visible (no sunglasses or tinted glasses and no hair across the eyes)
- free from reflection or glare on glasses, and frames must not cover eyes. It is recommended that if possible, glasses are removed for the photo
- show full head, without any head covering, unless worn for religious beliefs or medical reasons
- show the individual concerned only (there should not be other people in the photo)
- free from shadows
- not have anything covering the face – you should make sure nothing covers the outline of the eyes, nose or mouth
- not show red-eye
- not be altered by using Photoshop or other software

If photos do not meet with these standards, another photo will be required and this will delay the application.

ANNEX 8**CONDITIONS****Regulations Relating to Hackney Carriages**

1. Throughout these regulations, “the Council” means the Mendip District Council and “the District” means the Mendip District.
2. Applications for hackney carriage vehicle and drivers licences shall be made on the prescribed forms.

A separate form shall be used in respect of each vehicle for which application is made for a Hackney Carriage Licence or renewal thereof.

3. A prior condition of issue of a Hackney Carriage Licence is that an Insurance approved by the Chief Executive Officer in respect of passenger and third party liability and otherwise complying with the requirements of Part VI of the Road Traffic Act, 1972 shall be effective. Evidence of the same shall be produced within 7 days on demand by the Officer authorised by the Council.
4.
 - a) a vehicle used as a hackney carriage shall be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
 - b) Hold a MOT current certificate 1 year after date of registration with D.V.L.C.
5. The licence fee to be paid and enclosed with each application is as per the current licence fees table, available from Customer Services or the Council website.
6. Any vehicle the subject of an application for a licence will be examined (including mechanical) by the duly authorised officer of the Council and the applicant must take the vehicle to the place appointed for such examination. In the case of ex-works vehicles, an examination by the Council’s Licensing Officer will be carried out by appointment. All vehicles must be presented for inspection in a thoroughly good condition, both structurally and mechanically, and no vehicle will be certified fit for public use unless it is properly finished and painted, and the necessary alterations and additions are complied with.
- 6A. The interior of the vehicle must be in a clean and tidy condition. Should any vehicle fall below the standard required by the Council, it will be necessary to discuss with an Officer of the Council what measures may be taken to bring the vehicle up to licensing standard.

You will receive a letter advising you to make an appointment at the Council offices to carry out this cosmetic inspection.

It is important to do this immediately you are notified as the vehicle will be deemed to have failed and a licence will not be issued until the vehicle satisfies the standards required.

7. All vehicles will be examined once in a period of 12 months at the annual examination on renewal of licences, in addition to the initial examination referred to at 6.

8. **Stop Notices**

a) If any authorised officer of the Council or Police Constable is not satisfied as to the fitness of the vehicle or the taximeter such person may immediately issue a Stop Notice specifying the defect(s) and remove the licence plate from the vehicle.

b) Until

i) the vehicle is presented to the Council's authorised agents and passed by them as fit;

ii) and the licence plate is recovered and fixed.

such vehicle shall not be used for the purpose for which it is licensed.

A fee of £35 will be payable if it is necessary for the Council, in exercise of their powers under Section 50 of the Local Government (Miscellaneous Provisions) Act 1976, to require a licensed vehicle to be given a mechanical inspection by an authorised garage.

9. The proprietor shall report to the District Council within 72 hours any accident to a vehicle which has caused damage materially affecting the safety, performance or appearance of the vehicle and the comfort and convenience of persons.

10. i) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the inside and display on the outside of the carriage the licence plate provided by the Council.

ii) A proprietor or driver of a hackney carriage shall:-

a) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.

not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

11. The proprietor of the hackney carriage shall:-

a) provide sufficient means by which any person in the carriage may communicate with the driver;

b) cause the roof or covering to be kept water-tight;

- c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- d) cause the seats to be properly cushioned or covered;
- e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

12. The proprietor of a hackney carriage shall cause the carriage to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,

- i) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the work "HIRED" to appear on the face of taximeter;
- ii) such key, flag or other device shall be capable of being locked in such position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- iii) the taximeter affixed to the vehicle shall be calibrated so that only the maximum basic plain time fares prescribed by the Council are displayed thereon; with the exception that all hackney carriages fitted with progressive meters must be set up with effect from the operative date of any new Tariff so that only the meter can select the correct Tariff; clearly to apply to the fare recorded thereon;
- iv) the taximeter shall be so placed that all letters and figures on the face thereof, are at all times plainly visible to any person being conveyed in the carriage, and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring.
- v) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

13. The driver of a hackney carriage provided with a taximeter shall:-

- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the regulation in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device to that the word "HIRED" is legible on the face of the taximeter.
 - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined in Section 1 of the Road Traffic Act, 1972 and also at any other time at the request of the hirer.
14. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
15. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not be calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
16. **Drivers**
- a) The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 - b) Every driver of a Hackney Carriage must, at the time of application and for at least 12 months before, hold a full driving licence.
 - c) Every driver who will reach the age of 70 during the period of the licence applied for and thereafter on each subsequent renewal application, produce to the Licensing Officer, a Certificate signed by a registered medical practitioner as to his fitness to continue to drive a Hackney Carriage vehicle.
 - d) If a licensed driver is convicted of any offence motoring or otherwise during the term of this licence he/she must inform the Council immediately.
 - e) The proprietor must retain the licences of all drivers employed by him whilst they remain in his employ.
 - f) The I.D. badge and dashboard badge provided by the Council and delivered to the Driver of a vehicle, either with the licence or afterwards, shall wear the badge in such a position and manner as to be plainly and distinctly visible when at all times acting as a driver.
17. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

18. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
19. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons than the number of persons specified on the plate affixed to the outside of the carriage:
20. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading;
 - c) afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person.
21. a) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed by the Council.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the table of charges which may not be recorded on the face of the taximeter .

 - b) Fares for journeys going outside the district will be negotiable between the hirer and the driver, but where no fare is agreed in advance of such a journey the charge is limited to the figure which would be payable according to the scale fixed by the Council for journeys within the district.
 - c) Fares for journeys within the district under a contract or purported contract for private hire shall be limited to a charge at a rate no higher than the scale fixed by the Council.
 - d) Hackney carriages summoned by telephone or radio may not make booking charges and may not make other “unoccupied running” charges unless these are permitted under the authorised scale.
 - e) Reference to the limitations contained in this paragraph shall be referred to in the notice of authorised fares, rates and charges required to be displayed in each hackney carriage. (see 23 below)
22. 1) The proprietor of a hackney carriage for which any fares are fixed by the Council shall:
 - a) cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto in clearly distinguishable letters and figures (see also paragraph 21 (e));

b) renew such letters and figures as often as is necessary to keep them clearly visible.

2) The proprietor or driver of a hackney carriage bearing a statement of fares shall not wilfully or negligently cause or suffer the letters of figures in the statement to be concealed or rendered illegible at any time which the carriage is plying or being used for hire.

23. The proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

24. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by a person who may have been conveyed in the carriage be found or handed to him:-

- i) carry it as soon as possible and in any event, within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
- ii) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.



Conditions Relating to Private Hire Vehicles

1. Throughout these conditions, "the Council" means the Mendip District Council and "the District" means the Mendip District.
2. The application for vehicle licence and driver's licence shall be made on the prescribed forms. A separate form shall be used in respect of each vehicle for which application is made for a private hire vehicle licence or renewal thereof.
3. A prior condition of issue of a private hire vehicle licence is that there is in force in relation to the use of a vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act, 1972. Evidence of the same shall be produced within 7 days on demand by the officer authorised by the Council.
- 3.1 The vehicle shall hold a current M.O.T. certificate 3 years after date of registration with D.V.L.C.
4. A vehicle used as a private hire vehicle shall:
 - a) be suitable in type, size and design for use as a private hire vehicle
 - b) be in suitable mechanical condition
 - c) be safe
 - d) be comfortable (see 10 below)
5. The licence fees to be charged and enclosed with each application are detailed on the current licence fees table.
6. Any vehicle the subject of an application for a licence will be examined (excepting any ex-works vehicles)(including mechanical) by the duly authorised officer of the Council and the applicant must take the vehicle to the place appointed for such examination. In the case of ex-works vehicles, an examination by the Council's Licensing officer will be carried out by appointment.
- 6.1 All vehicles must be presented for inspection in a thoroughly good condition, both structurally and mechanically, and no vehicle will be certified fit for public use unless it is properly finished and painted, and the necessary alterations and additions are complied with.
- 6.2 Should any vehicle fall below the cosmetic standard required by the Council, it will be necessary to discuss with an officer of the Council what measures may be taken

to bring the vehicle up to licensing standard.

6.3 You will receive a letter advising you to make an appointment at the Council offices to carry out this cosmetic inspection.

6.4 It is important to do this immediately you are notified as the vehicle will be deemed to have failed and a licence will not be issued until the vehicle satisfies the standards required.

6.5 All vehicles will be examined once in a period of 12 months at the annual examination on renewal of licences, in addition to the initial examination referred to at 6.

7. **Stop Notices**

7.1 If any authorised officer of the Council or Police Constable is not satisfied as to the fitness of the vehicle or the taximeter such person may immediately issue a Stop Notice specifying the defect(s) and remove the licence plate from the vehicle.

7.2 Until

- a) the vehicle is presented to the Council's authorised agents and passed by them as fit
- b) the licence plate is recovered and fixed

such vehicle shall not be used for the purpose for which it is licensed. A fee of £35 will be payable if it is necessary for the Council, in exercise of their powers under Section 50 of the Local Government (Miscellaneous Provisions) Act 1976, to require a licensed vehicle to be given a mechanical inspection by an authorised garage.

8. The proprietor shall report to the District Council within 72 hours any accident to a vehicle which has caused damage materially affecting the safety, performance or appearance of the vehicle and the comfort and convenience of passengers.

9. The proprietor of a private hire vehicle shall:

a) cause the Private Hire Vehicle Disc issued by the Council to be displayed at all times (save the exceptions referred to in Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 on the nearside of the windscreen of the vehicle.

b) ~~not display any wording on or from the vehicle, other than the licence number plate which is to be affixed to the outside, rear of the vehicle.~~ 21 February 2012 - Deleted as no longer enforceable.

10. The proprietor of a private hire vehicle shall:

- a) cause the roof or covering to be kept water-tight;
- b) provide any necessary windows and a means of opening and closing not

less than one window on each side

- c) cause the seats to be properly cushioned or covered;
- d) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- e) cause the fittings and furniture generally to be kept in a clean condition, well maintained;
- f) provide means for securing luggage if the vehicle is so constructed;
- g) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- h) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

11. The operator of a private hire vehicle shall keep a record of the particulars of any private hire vehicle operated under the licence pursuant to Section 56(3) of the Act. Such records shall be produced on request to any authorised officer of the Council or to any Police Constable for inspection.

12. The operator of a private hire vehicle shall keep a record of each booking invited or accepted of a private hire vehicle and that the records kept by an operator for purposes of V.A.T. and Income Tax purposes as prescribed as the forms of record required under the provision of Section 56(2) of the Act. Such records shall be produced on request to any authorised officer of the Council or to any Police Constable for inspection.

13. The driver of a private hire vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

14. The operator/proprietor or driver of a vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

15. The badge provided by the Council and delivered to the driver of a private hire vehicle, either with the licence granted to him by the Council or afterwards, shall wear that badge in such position and manner as to be plainly and distinctly visible when at all times acting as a driver.

(Section 75(3) of the Local Government (Miscellaneous Provisions) Act, 1976 permits exemptions from this requirement in certain circumstances).

16. If a licensed driver is convicted of any offence during the term of this licence in any Court of Law involving dishonesty, indecency or violence, he/she must inform the Council immediately.

17.

On an initial application for a Private Hire Vehicle Driver's Licence, every driver shall produce to the Licensing officer a certificate signed by a registered medical practitioner as to their fitness to drive a private hire vehicle. A subsequent certificate must be produced at the age of 45 and thereafter every three years until the age of 70 and thereafter each year.

These conditions, although including references to statutory provisions, are not intended to and do not contain all the statutory provisions.

Attention is therefore drawn to the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and in particular the penalties thereunder for offences against any of the provisions of the said Act and regulations made thereunder.



Conditions Relating to Hackney/Private Hire Vehicle Drivers

1. Throughout these conditions, “the Council” means the Mendip District Council and “the District” means the Mendip District.
2. Applications for hackney carriage and private hire drivers licences shall be made on the prescribed forms.
3. Hackney/Private Hire Drivers Shall at all times
 - (a) behave in a civil and orderly manner.
 - (b) wear clean and tidy attire and shall not dress in a manner likely to embarrass or offend passengers.
 - (c) maintain a high standard of personal hygiene.
 - (d) shall take all responsible precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 - ~~(e) refrain from smoking in their vehicle whilst carrying fare paying passengers or waiting at a Hackney Carriage Rank. Deleted as legislation now refers.~~
 - (f) Refrain from eating or drinking whilst carrying passengers.
4.
 - a) Every driver of a hackney carriage or private hire vehicle must, at the time of application and for at least 12 months before, hold a full driving licence.
 - b) On an initial application, every driver shall produce to the Licensing Officer a certificate signed by a registered medical practitioner as to their fitness to drive a hackney carriage or private hire vehicle. A subsequent certificate must be produced at the age of 45 and thereafter every three years until the age of 70 and thereafter every year. The driver shall notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury which is likely to or is affecting his/her fitness to drive in any way.
 - c) A licensed driver shall, within 14 days, disclose to the council in writing any motoring or criminal convictions imposed on him/her during the period of the licence, giving particulars of the date and place of the conviction, the nature of the charge and the penalty imposed together with such further information concerning the offence as the Council may require.
 - d) The proprietor must retain the licences of all drivers employed by him whilst they remain in his employ although the licence remains the property of the driver.
 - e) The driver shall notify the Council in writing within 14 days of any change of home address during the period of the licence and any change in company from whom bookings are taken.

- f) The I.D. badge provide by the Council and delivered to the driver of a vehicle, either with the licence or afterwards, must be worn in such a position and manner as to be plainly and distinctly visible at all times when acting as a driver. (Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 permits exemptions from this requirement in certain circumstances).
5. The proprietor or driver of a hackney carriage or private hire vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
6. A proprietor or driver of a hackney carriage or private hire vehicle shall not convey or permit to be conveyed in such a vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle.
7. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
- a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading;
 - c) afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person.
8. The driver of a hackney carriage provided with a taximeter shall: -
- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the regulation in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device to that the word "HIRED" is legible on the face of the taximeter.
 - c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of hiring which is during the hours of darkness as defined in Section 1 of the Road Traffic Act, 1972 and also at any other time requested of the hirer.
9. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
10. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, be calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

- a) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of the fare prescribed by the Council.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the table of charges which may not be recorded on the face of the taximeter.

- b) Fares for journeys going outside the district will be negotiable between the hirer and the driver, but where no fare is agreed in advance of such a journey the charge is limited to the figure which would be payable according to the scale fixed by the Council for journeys within the district.
- c) Fares for journeys within the district under a contract or purported contract for private hire shall be limited to a charge at a rate no higher than the scale fixed by the Council.
- d) Hackney carriages summoned by telephone or radio may not make booking charges and may not make other “unoccupied running” charges unless these are permitted under the authorised scale.
- e) Reference to the limitations contained in this paragraph shall be referred to in the notice of authorised fares, rates and charges required to be displayed in each hackney carriage.
12. a) The proprietor of a hackney carriage for which any fares are fixed by the Council shall:
- i. cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto in clearly distinguishable letters and figures.
 - ii. renew such letters and figures as often as is necessary to keep them clearly visible.
- b) The proprietor or driver of a hackney carriage bearing a statement of fares shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time which the carriage is plying or being used for hire.
13. The proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have accidentally been left therein.
14. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by a person who may have been conveyed in the carriage be found or handed to him: -
1. carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
 2. be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

15. A Penalty Point System is in operation, under this scheme if an individual driver/proprietor accumulates 12 penalty points or more in any 12 month period he/she will be referred to the Councils Appeal panel.

Matters covered by the Penalty Points System together with the associated points as listed in the Appendix.

16. These regulations although including where appropriate reference to statutory provisions, are not intended to and do not contain all the statutory provisions applicable. Attention is therefore drawn to the provisions of the Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976 and in particular, the penalties thereunder for the offences against any of the provisions of the said Acts and regulations made thereunder

25. These regulations although including where appropriate reference to statutory provisions, are not intended to and do not contain all the statutory provisions applicable. Attention is therefore drawn to the provisions of the Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976 and in particular, the penalties thereunder for offences against any of the provisions of the said Acts and regulations made thereunder.

ANNEX 9

APPROVAL PROCESS FOR GARAGES

The Authority requires vehicle inspections to be carried out at certain times. Inspections will be required on initial application, renewal, at 6 monthly intervals for licensed vehicles after 1 year from date of registration and at other times when required.

The Authority uses garages in the Mendip area to carry out these inspections, and the inspections must be paid for directly by the applicants or licence holders concerned to the garages themselves. The direct payment to the garage brings many benefits, including: efficiency, reducing bureaucracy, allowing prompt payment to local businesses carrying out work on behalf of the Authority, giving the customer/ licence holder/ applicant the opportunity to choose the garage that is most local to them at a time of their choice and allowing better flexibility in booking the inspection.

There is a clear criterion set out in this policy for the approval of garages by the Authority that will be permitted to carry out these inspections.

The criteria and specific items tested on these inspections are detailed in the national standards document that will be used to carry out these inspections which will now be referred to as the Mendip Taxi and Private Hire Inspection (MTPHI).

Criteria

The criteria that garages will be assessed on will include the following:-

1. The garage must be approved by VOSA as an authorised testing facility to carry out MoTs and the MTPHI must be carried out by a MoT tester.
2. The garage must have facilities to accept payment by credit/ debit card.
3. The garage must have a room or an area set aside for customers, that has seating available and heating provided.
4. Toilets must be available for customers use.
5. A good standard of housekeeping must be maintained at all times in the garage. The area used to service and inspect vehicles should be maintained in a manner that lessens the potential for slips, trips and falls.
6. Parking spaces must be available on site for customers to use.
7. Satisfactory public liability insurance must be in place for the premises.
8. The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) must be complied with in full at all times.
9. The Control of Substances Hazardous to Health Regulations 2002 (as amended) to control exposure to hazardous substances and protect workers' health must be complied with at all times.
10. The garage must have an up to date and current written risk assessment that has been produced in accord with relevant guidance from the Health and Safety Executive on motor vehicle repairers.
11. The garage must be willing to inspect vehicles on an occasional and ad hoc basis free of charge on behalf of the Authority to ascertain whether a stop notice issued by the Authority should be lifted. This will usually be by prior arrangement.

12. The garage must be willing to be subject to 'mystery shopper' exercises carried out by or on behalf of the Authority used to monitor the performance of the garages carrying this work. These exercises may be carried out in conjunction with VOSA.
13. The garage must be willing at all times to allow authorised Officers from the Authority to observe inspections being carried out and commit to liaising fully at all times the Authority.
14. The garage must allow the Authority to publish the inspection charges and also allow 1 free retest (although they attach conditions to this retest, these must also be published). They must inform the Authority in writing and with at least 2 weeks notice when they alter their scale of charges for inspections to be carried out.
15. The garage must accept that where substantiated complaints are made against an approved garage by an applicant or licence holder in connection with an MTPHI being carried out, that their approval may be subject to suspension or removal.

Process

By not later than 1 August 2013 the Authority will invite garages that wish to carry out this work to formally express an interest and submit an application in writing to be received by not later than 1 September 2013. The Authority will give notice of this process through the Authority's website, public notice in the local press and through contacting those garages that have both expressed an interest in carrying out this work within the last 2 years and that currently carry out the tests as of 21 February 2013.

The Authority will then approve not more than 10 garages to carry out these inspections for a period of not more than 1 calendar year. It will only approve this maximum number as this is deemed as reasonable in light of the number of garages that have over time expressed an interest in this work and also appropriate in terms of the geographical size and makeup of the area of Mendip. The number will also be limited because it is imperative that proper checks and monitoring are carried out by the Authority of the approved garages to ensure that testing is carried out consistently, fairly and comprehensively; both on initial request to be authorised and throughout the period that they are so approved. To approve a higher number of garages would lead to disproportionate costs to the Authority and/ or licence fee payers in this regard, and to approve fewer could restrict service users access

Garages will be approved for not more than 1 year; and will need to reapply not less than 2 months prior to the expiry of that approval if they wish to continue to carry out the inspections the following year. The Authority will also consider the following factors below in deciding whether to approve a garage for these purposes:-

- a) Track record of carrying out inspections on behalf of the Authority and MoTs,
- b) Ease of booking appointments for an inspection expediently and at a convenient time,
- c) Availability of online booking facilities or other methods of booking an appointment,
- d) General customer service,
- e) Opening hours, in particular on Saturdays,
- f) Location of garage in relation to other available garages,
- g) Any other factor the Authority deems as relevant.

A report will be produced annually for the approval process to be carried out by the Licensing Board. The decision of the Board will be final in this process.

Where garages are not approved and/ or where garages express an interest during the period between the annual approval process, a waiting list will be maintained which will be used to

contact those garages on the next annual renewal process. Garages will not be approved during the interim period between the annual approval process.

It should be noted that the existing garages that have been used as of 21 February 2013 will continue to be used for carrying out the higher standard test being implemented in this policy, namely the MTPHI, until the new approval process has completed for the first time, as detailed above. However, the MTPHI will be the accepted standard for testing on the implementation of this policy.

ANNEX 10

MENDIP TAXI/ PRIVATE HIRE INSPECTION CERTIFICATE
(MTPHIC)

Draft of certificate now removed from Policy and subject to separate approval process.

ANNEX 11

PRINCIPLES FOR ADVERTISING APPROVAL

Advertising Guidelines for Taxis and PH Vehicles

1. All advertising currently displayed on licensed vehicles must be notified to the Licensing Team by 15th June 2013. This is in order that the Authority has a complete audit for all current advertising.
2. This notification must include the provision of a digital photograph of such advertising.
3. Any existing advertising that is deemed to so confuse will be required to be removed or changed by an agreed date.
4. No new advertising may be displayed (with the exclusion of that existing advertising covered by point 1. above) unless it is approved in writing by the Authority.
5. No new advertising will be permitted that is deemed as likely to confuse the public and make it difficult for them to discern the nature of the vehicle. The licence plates must remain clearly visible at all times.
6. No advertising on a private hire vehicle will be permitted that includes the words: taxi, cab, hackney, carriage or kab.
7. To this end, a pro forma will be available to give full details of any proposed advertising to the Authority.
8. The Authority will refer to the UK Advertising Codes provided by the Committee of Advertising Practice in determining such approvals.

ANNEX 12**PENALTY POINTS SYSTEM**

The Authority is implementing a schedule of penalty points that will be given to dual use driver licence holders in certain circumstances, and it will take effect for all licence holders from the implementation of this policy. The penalty points are recorded against the driver's licence record to deal with certain matters that arise, as detailed below. The points given by the Authority will reflect the severity of the situation concerned.

Code	Breach or Default	Penalty Points
1	On investigation of any formal complaint to the Authority (not otherwise referred to below) where a driver is found to have acted inappropriately or wrongfully as a licence holder.	1 - 12
2	Physical abuse or intimidation of any other person whilst working as a licensed driver or in connection with being licensed.	12
3	Verbal aggression or abuse of Mendip District Council employees whilst carrying out their duties.	6 - 12
4	Unsatisfactory appearance/ condition of vehicle (interior or exterior) with consideration given to the weather conditions. This would include the vehicle being used where it has been subject to serious damage and/ or has mechanical faults.	3 - 12
5	Verbal aggression or abuse of customers or the general public whilst working as licensed driver.	6
6	Not using a taximeter or using one that is incorrectly calibrated when required to do so.	6
7	Failure to produce relevant documents within a specified timescale when requested by an Authorised Officer in writing.	6
8	Failure to notify the Authority in writing within 14 days of any medical condition which may affect their ability to drive in any way.	6
9	Failure to notify the Authority in writing within 14 days of any convictions being received by the driver (including all motoring offences or endorsements).	6
10	Carrying more passengers than specified on the licence plate.	6
11	Failure to carry any hearing, guide or assistance dog without a medical exemption issued by the Authority for these purposes.	6
12	Providing false or misleading information on submission of any application.	3 - 6

13	Smoking in a licensed vehicle at any time. The driver will be reported for a Fixed Penalty Notice under the relevant smoke free legislation.	6
14	Failure to display licence plates as prescribed by the Council	4
15	Failure to notify the Authority in writing within 14 days of a change of their home address and any change in their employer or company with whom they are associated with for licensed purposes.	4
16	Hackney carriage left unattended on taxi rank.	4
17	Private hire vehicles parking on a taxi rank	4
18	Failure to carry a working fire extinguisher or carrying a fire extinguisher out of service date.	4
19	Failing to wear drivers badge/or display dashboard badge	4
20	Failing to display fare card in hackney carriage vehicle.	4
21	Failure to notify details of road accident or damage to a Hackney Carriage /Private Hire Vehicle within the prescribed time limit	4
22	Driver or proprietor failing to notify change of address within prescribed time limit or change in company from whom bookings are taken.	4
23	Failing to notify the Authority of a vehicle transfer	4
24	Failure to have adequate provision in case of an emergency tyre replacement being required.	4
25	Unsatisfactory appearance of vehicle (interior or exterior with consideration given to the weather conditions)	4
26	Failed payments being made to the Licensing Authority, without good reason.	3
27	Failure to pick up pre-booked passengers/ refusal to take a fare without reasonable cause.	3
28	Failure to behave in a civil and orderly manner.	3
29	Failure to maintain all relevant documentation in connection with driving a vehicle in the correct name and address.	3
30	Displaying unauthorised advertising.	3
31	Lapsed or no MOT and/ or insurance being held for a licensed vehicle	3 - 12

Any licence holder aggrieved by the issue of a penalty notice may apply in writing within 14 days of the date of service of the penalty notice, to have their case reviewed by a different Authorised Officer who, after hearing the evidence of both the enforcing officer, the licence holder and any

witnesses, may uphold the notice, withdraw the notice, reduce or increase the number of penalty points issued.

Where a licence holder accrues 12 penalty points or more within any 12 month period, they will be subject to formal action by the Authority. A Licensing sub – committee will be convened to consider their case and the details surrounding their accrual of those points.

The person concerned will be given at least 10 working days written notice of the hearing being convened, this notice will be served at the last known address of that person. Other persons may only attend the hearing on behalf of that person or to support them, at the discretion of the Authority, where a written request has been submitted in good time for them to attend.

Where a licence holder has accrued 12 points in any 12 month period, the Authority is likely to take disciplinary action to ensure that public safety is promoted. This action may include the following:-

1. Revocation of licence(s),
2. Suspension of licence(s),
3. Refusal to renew licence(s),
4. Further training or demonstration of competence being required to be undertaken.

Revocation or refusal to renew licence(s) will be used where it is deemed as appropriate to do so. This sanction will be used where it is considered by the Authority as proportionate and necessary to protect the public in this way, by removing that person from that licensable occupation. This form of action is most likely to be used by the Authority where there is a clear indication that the public may be at risk from the driver concerned.

Where there is not a clear danger to public safety directly linked to the person's specific action or inaction that has led to the accrual of their points, it may be that disciplinary action is needed to remind them of their responsibilities and improve their future conduct and behaviour to better ensure that they act in manner that would be considered as fit and proper to be licensed. Suspension is seen as an important tool in this regard.

Penalty points will remain current for a period of twelve months from the date the contravention was detected.

The licence holder has a right of appeal against any action to suspend, revoke or refuse to renew their licence to the Magistrates Court within 21 days of the date of receipt of the written notice.

ANNEX 13**GUIDANCE FROM DVLA ON DVLA LICENCES AND DIABETES**

The guidance from the DVLA on diabetes and driver licence standards is provided in this annex. The Authority follows the Group 2 standard of medical assessment from the implementation of this policy, and the Group 2 standards are highlighted in bold below.

Diabetes - Managed by diet alone

Group 1 entitlement ODL – car, motorcycle

Need not notify DVLA unless develop relevant disabilities e.g. Diabetic eye problems affecting visual acuity or visual field or if insulin required.

Group 2 entitlement vocational – lorries, buses

Need not notify DVLA unless develop relevant disabilities e.g. Diabetic eye problems affecting visual acuity or visual field or if insulin required

Diabetes - Managed by tablets other than those which carry a risk of inducing hypoglycaemia or by non-insulin injectable medication

Group 1 entitlement ODL – car, motorcycle

If all the requirements set out in the DVLA leaflet INF188/2 are met, and they are under regular medical review, DVLA does not require notification. This information leaflet can be printed and retained for future reference.

Alternatively, if the information indicates that medical enquiries will need to be undertaken, DVLA should be notified.

Group 2 entitlement vocational – lorries, buses

Drivers will be licensed unless they develop relevant disabilities e.g. diabetic eye problem affecting visual acuity or visual fields, in which case either refusal, revocation or short period licence.

Drivers are advised to monitor their blood glucose regularly and at times relevant to driving. They must be under regular medical review.

Diabetes - Managed by tablets which carry a risk of inducing hypoglycaemia (this includes sulphonylureas and glinides)

Group 1 entitlement ODL – car, motorcycle

Must not have had more than one episode of hypoglycaemia requiring the assistance of another person within the preceding 12 months. It may be appropriate to monitor blood glucose regularly and at times relevant to driving to enable the detection of hypoglycaemia. Must be under regular

medical review.

If the above requirements and all of those set out in the attached information on INF188/2 are met, DVLA does not require notification. This information leaflet can be printed and retained for future reference.

Alternatively, if the information indicates that medical enquiries will need to be undertaken, DVLA should be notified.

Group 2 entitlement vocational – lorries, buses

Must satisfy the following criteria:

- **No episode of hypoglycaemia requiring the assistance of another person has occurred in the preceding 12 months.**
- **Has full awareness of hypoglycaemia.**
- **Regularly monitors blood glucose at least twice daily and at times relevant to driving.**
- **Must demonstrate an understanding of the risks of hypoglycaemia.**
- **There are no other debarring complications of diabetes such as a visual field defect.**

They must also be under regular medical review.

Diabetes - Temporary insulin treatment

e.g. gestational diabetes, post-myocardial infarction, participants in oral/inhaled insulin trials.

Group 1 entitlement ODL – car, motorcycle

Provided they are under medical supervision and have not been advised by their doctor that they are at risk of disabling hypoglycaemia, need not notify DVLA. If experiencing disabling hypoglycaemia, DVLA should be notified.

Notify DVLA if treatment continues for more than three months or for more than three months after delivery for gestational diabetes.

Group 2 entitlement vocational – lorries, buses

From 15 November 2011, may apply for any Group 2 licence. Must satisfy the following criteria :

- No episode of hypoglycaemia requiring the assistance of another person has occurred in the preceding 12 months.
- Has full awareness of hypoglycaemia.
- Regularly monitors blood glucose at least twice daily and at times relevant to driving using a glucose meter with a memory function to measure and record blood glucose levels. At the annual examination by an independent Consultant Diabetologist, three months of blood glucose readings must be available.
- Must demonstrate an understanding of the risks of hypoglycaemia.

There are no other debarring complications of diabetes such as a visual field defect.

Diabetes - Insulin treated

Drivers are sent a detailed letter of explanation about their licence and driving by DVLA.

Group 1 entitlement ODL – car, motorcycle

- Must have awareness of hypoglycaemia.
- Must not have had more than one episode of hypoglycaemia requiring the assistance of another person in the preceding twelve months.
- There must be appropriate blood glucose monitoring.
- Must not be regarded as a likely source of danger to the public while driving.
- The visual standards for acuity and visual field must be met.

Impaired awareness of hypoglycaemia has been defined by the Secretary of State's Honorary Medical Advisory Panel on Driving and Diabetes as, 'an inability to detect the onset of hypoglycaemia because of a total absence of warning symptoms'.

If meets the medical standard a one, two or three year licence will be issued.

Group 2 entitlement vocational – lorries, buses

From 15th November 2011, may apply for any Group 2 licence. Must satisfy the following criteria :

- **No episode of hypoglycaemia requiring the assistance of another person has occurred in the preceding 12 months.**
- **Has full awareness of hypoglycaemia.**
- **Regularly monitors blood glucose at least twice daily and at times relevant to driving using a glucose meter with a memory function to measure and record blood glucose levels. At the annual examination by an independent Consultant Diabetologist, three months of blood glucose readings must be available.**
- **Must demonstrate an understanding of the risks of hypoglycaemia.**

There are no other debarring complications of diabetes such as a visual field defect.