

# Public Document Pack

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A meeting of **General Licensing Committee** will be held in Committee Room 2 - East Pallant House on **Wednesday 27 February 2019** at **9.30 am**

MEMBERS: Mr J Ridd (Chairman), Mr H Potter (Vice-Chairman), Mr P Budge, Mr A Collins, Mr J Connor, Mr J W Elliott, Mr L Macey, Mr G McAra, Mr A Moss, Dr K O'Kelly, Mr C Page, Mrs P Plant, Mrs C Purnell and Mrs S Taylor

## AGENDA

### 1 **Chairman's Announcements**

Any apologies for absence that have been received will be noted at this point.

### 2 **Minutes** (Pages 1 - 6)

To approve as a correct record the minutes of the General Licensing Committee meeting held on 7 November 2018.

### 3 **Urgent Items**

Chairman to announce any urgent items which due to special circumstances are to be dealt with under agenda item 8b.

### 4 **Declarations of Interests** (Pages 7 - 9)

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies.

Such interests are hereby disclosed by each member in respect of agenda items where the Council or outside body concerned has been consulted in respect of that particular item or application.

Declarations of disclosable pecuniary interests, personal interests and prejudicial interests are to be made by members of the Committee in respect of matters on the agenda or this meeting.

### 5 **Public Question Time**

Questions submitted by members of the public in writing by noon on the previous working day (for a period of up to 15 minutes).

### 6 **The Council's proposed House to House Collection Policy** (Pages 11 - 22)

To introduce and seek adoption of the Council's proposed House to House Collection Policy for the Chichester district.

### 7 **Proposed amendments to existing taxi and private hire licensing**

**policy/conditions and service updates** (Pages 23 - 48)

For Members to give consideration to and approve proposed amendments to the current Taxi & Private Hire Policy and Conditions and to receive an update on service delivery.

**8 Consideration of any late items as follows:**

- (a) Items added to the agenda papers and made available for public inspection;
- (b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.

**9 Exclusion of the press and public**

**Part 2**

(Items for which the press and public are/may be excluded)

There are no restricted items for consideration by the General Licensing Committee at this meeting.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports.](#)
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided.

# Public Document Pack Agenda Item 2



Minutes of the meeting of the **Special General Licensing Committee** held in Committee Room 2 - East Pallant House on Wednesday 7 November 2018 at 10.00 am

**Members Present:** Mr J Ridd (Chairman), Mr H Potter (Vice-Chairman), Mr P Budge, Mr A Collins, Mr J Connor, Mr J W Elliott, Mr L Macey, Mr G McAra, Mr A Moss, Dr K O'Kelly, Mrs C Purnell and Mrs S Taylor

**Members not present:** Mr C Page, Mrs P Plant and Mr D Wakeham

**In attendance by invitation:**

**Officers present:** Mr N Bennett (Divisional Manager for Democratic Services), Miss L Higenbottam (Democratic Services), Mr T Horne (Principal Environmental Health Officer) and Ms A Stevens (Divisional Manager for Environmental Protection)

## 9 **Chairman's Announcements**

Apologies were received from Christopher Page and Penny Plant.

## 10 **Minutes**

### **RESOLVED**

That the minutes of the meeting held on 14 June 2017 be approved and signed by the Chairman as a correct record.

## 11 **Urgent Items**

There were no urgent items.

## 12 **Declarations of Interests**

Mr Macey declared a personal interest in respect of agenda item 6 as his daughter earns money from dog breeding.

Mr Moss declared a personal interest in respect of agenda item 6 as his niece earns money from dog walking.

Mrs Purnell declared personal interests in respect of agenda item 6 as a member of West Sussex County Council (WSCC), Selsey Town Council, Manhood Peninsula

Partnership and as a WSCC appointed member of the Inland Fisheries Conservation Association (IFCA).

Mr Bennett confirmed that any further personal interests relating to WSCC or parish council membership would be listed in the minutes (see below):

- Mr P Budge – a member of Chichester City Council
- Mr A Collins – a member of Chidham and Hambrook Parish Council
- Mr G McAra – a member of Midhurst Town Council
- Dr K O'Kelly – a member of WSCC
- Mr H Potter – a member of Boxgrove Parish Council
- Mr J Ridd – a member of Donnington Parish Council
- Mrs S Taylor – a member of West Itchenor Parish Council

### 13 Public Question Time

There were no public questions.

### 14 Proposed Fees & Charges for the new Animal Welfare Licensing Regime

Mr Horne introduced the item and was joined by Ms Stevens. He explained that the Cabinet had discussed the new legislation at its meeting on 6 November 2018 where the following recommendation had been made:

#### ***RECOMMENDATION FROM THE CABINET TO THE GENERAL LICENSING COMMITTEE***

*That the new fees and charges in relation to the administration and enforcement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be agreed as set out in the appendix (as amended) to the agenda report.*

*[Note The amendment to the appendix related to the penultimate field (Rescore visit) in the table, where the figure of £140 should be moved from the Existing Licence Fee column to the Proposed Licence Fee column].*

In outlining the report Mr Horne confirmed that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1 October 2018 replacing legislation dating back to the 1940's. The new legislation enables tighter control of animal welfare through the application of a risk based rating system. Mr Horne explained that the fees and charges detailed in the appendix are in line with the statutory guidance from DEFRA. Each eligible business will be granted a licence lasting between one and three years dependent on the rating awarded by the council following inspection. The fee charged will cover the duration of the license for either a one, two or three year period.

Mr Horne and Ms Stevens responded to members questions.

With regard to officer workload the length of questions required at inspection has increased and officers are accountable for inspections, re-inspections, enforcement and maintenance of records. Mr Horne emphasised the implication on officer time as

the district is a large geographical area to cover for inspections. He explained that longer term a review of resources would be likely. Ms Stevens clarified that each premises requires an inspection at the application stage and an interim inspection during the term of the licence which will increase officers workloads. Mr Horne confirmed that officers anticipate a number of appeals due to the new rating system with each appeal requiring written correspondence with an officer and in many cases a revisit.

In clarifying paragraph 3.1 of the report Mr Horne confirmed that the existing legislation had been repealed and amended to comply with the requirements of the new licensing regime. Ms Stevens confirmed that the Animal Welfare Act still applies to all premises where animals are handled and the council is therefore able to investigate animal welfare cases under powers in this legislation.

In response to a number of questions regarding what the new legislation covers Mr Horne and Ms Stevens provided the following clarification.

Areas outside of the scope and therefore not requiring a licence were detailed as follows:

- Dog grooming and walking
- Horse and donkey breeding
- Livery yards for horses and ponies
- Race horse and greyhound tracks
- Rescue centres rehoming dogs and cats (non-profit making, seeking voluntary contributions)
- Rescue centres providing rehabilitation of wildlife (non-profit making)

Areas under the new legislation requiring a licence were detailed as follows:

- Falconry shows (which are now classed as exhibiting animals)
- Premises breeding dogs for a profit of £1000 or more per annum
- Premises breeding three or more litters of dogs per annum

With regard to the difference between the definition of a zoo and the exhibition of animals Ms Stevens explained that as a new area of legislation officers would be seeking further clarification. Previous legislation dates back to the Performing Animals Act 1925 (a county function for the training and/or exhibiting of animals). Mr Bennett clarified that to his knowledge licences obtained under this 1925 Act were subject to a nominal charge.

With regard to the home boarding of dogs Mr Horne clarified that the Council's guidance requires no more than six dogs to be cared for in one property. Each dog must also have its own room (not cage), particularly if left alone in the property for a period of time. If someone is in the property and the dogs have been socialised they are permitted to stay in the same room but must still have access to a room for itself.

Mr Horne outlined the fee structure which has two main elements. The first relates to the application process and the second to inspection and enforcement. If an

application is rejected by the council the applicant will be able to recover the costs associated with the inspection.

With regard to the financial implication of the new rates for businesses Mr Horne explained that any change would be dependent on the length of licence granted by the council which would in turn be determined by the score rating following inspection. Ms Stevens confirmed that model conditions (which businesses are required to comply with) have been in the public domain for some time and although the changes may impact some businesses officers will continue to offer guidance. She explained that the fee structure is comparable with the West Sussex cohort. Mr Horne confirmed that all the main trade bodies had also been made aware of the changes to the legislation. Officers have also written to all licence holders. With regard to the use of a sliding scale of fees Mr Horne confirmed that this would in all likelihood fail to recover the council's full costs. Mr Bennett added that council policy encourages officers to seek recovery of costs unless a significant need has been identified; in this instance it has not been identified.

With regard to whether quarantine kennels are included in the legislation and whether the council is prepared for such an establishment post Brexit a post meeting response was supplied as follows:

*Quarantine premises and transporters/carriers are authorised by The Animal & Plant Health Agency and DEFRA. There are no such premises in Chichester District. A prospective quarantine establishment would need to apply to APHA to become an authorised centre.*

*To travel with your pet after Brexit, if no deal with the EU is reached, a pet passport issued in the UK would not be valid for travel to the EU however, there are various requirements for travelling with your pet but this is outside of the licensing regime and the Councils remit.*

*In terms of air travel, if you are travelling into the UK and need to put a pet into quarantine you need to apply for a licence to land an animal for detention in Quarantine and use a main airport such as Gatwick. Animal movements are not permitted through Goodwood aerodrome.*

The Committee voted unanimously to approve the new fees and charges subject to amendment to the appendix relating to the penultimate field (Rescore visit) in the table where the figure of £140 should be moved from the Existing Licence Fee column to the Proposed Licence Fee column.

## **RESOLVED**

That the new fees and charges in relation to the administration and enforcement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be approved subject to the amendment to the appendix detailed above.

## 15 **Late Items**

There were no late items.

The meeting ended at 10.50 am

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CHAIRMAN

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Date:

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## **Chichester District Council**

### **General Licensing Committee**

**27 February 2019**

#### **Declarations of Interests**

Details of members personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies are set out in the attached agenda report.

The interests therein are disclosed by each member in respect of items in the agenda which require a decision where the council or outside body concerned has been consulted in respect of that particular item.

Declarations of disclosable pecuniary interests, personal interests, prejudicial interests or predetermination or bias are to be made by members of the General Licensing Committee or other members who are present in respect of matters on the agenda or this meeting.

#### **Personal Interests - Membership of Parish Councils**

The following members of the General Licensing Committee declare a personal interest by way of their membership of the parish councils stated below in respect of the items on the agenda where their respective parish councils have been consulted:

- Mr P Budge – Chichester City Council
- Mr A Collins – Chidham and Hambrook Parish Council
- Mr G McAra - Midhurst Town Council
- Mr H Potter – Boxgrove Parish Council
- Mrs L C Purnell – Selsey Town Council
- Mr J Ridd – Donnington Parish Council
- Mrs S Taylor – West Itchenor Parish Council

#### **Personal Interests - Membership of West Sussex County Council**

The following members of the General Licensing Committee declare a personal interest by way of their membership of West Sussex County Council in respect of the items on the agenda where that local authority has been consulted:

- Dr K O'Kelly – West Sussex County Council Member for the Midhurst Division
- Mrs L C Purnell – West Sussex County Council Member for the Selsey Division

## **Personal Interests - Chichester District Council Representatives on Outside Organisations and Membership of Public Bodies**

The following members of the General Licensing Committee declare a personal interest as Chichester District Council appointees to the outside organisations or as members of the public bodies below in respect of those items on the agenda where such organisations or bodies have been consulted:

- Mr P Budge – Brandy Hole & East Broyle Copse – Local Nature Reserve Management Board
- Mr P Budge – Goodwood Motor Circuit Consultative Committee
- Mr P Budge – The Parking and Traffic Regulations Outside London Adjudication Joint Committee
- Mr J Connor – Chichester Harbour Conservancy
- Mr J Connor – Local Government Association – Coastal Issues Special Interest Group
- Mr J Connor – Standing Conference on Problems Associated with the Coastline (SCOPAC)
- Dr K O'Kelly – Action in Rural Sussex
- Mrs P Plant – Chichester Harbour Conservancy
- Mrs L C Purnell – Sussex Police and Crime Panel
- Mr J Ridd – West Sussex Civilian Military Partnership Board
- Mrs S Taylor - Manhood Peninsula Partnership
- Mrs S Taylor - Partnership for Urban South Hampshire (PUSH) Joint Committee
- Mrs S Taylor - Partnership for Urban South Hampshire (PUSH) Planning and Infrastructure Panel
- Mrs S Taylor - West Sussex and Greater Brighton Strategic Planning Board

## **Personal Interests – Chichester City Council Representatives on Outside Organisations and Membership of Public Bodies**

The following member of the General Licensing Committee declares a personal interest as a Chichester City Council appointee to the outside organisations stated below in respect of those items on the agenda where that organisation has been consulted:

NONE

## **Personal Interests – West Sussex County Council Representatives on Outside Organisations and Membership of Public Bodies**

The following member of the General Licensing Committee declares a personal interest as a West Sussex County Council appointee to the outside organisation stated below in respect of those items on the agenda where that organisation has been consulted:

- Mrs L C Purnell - Inland Fisheries Conservation Association

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**Chichester District Council**

**General Licensing Committee  
27<sup>th</sup> February 2019**

**The Council's proposed House to House Collection Policy**

**1. Contacts**

**Report Author:**

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**Cabinet Member:**

Councillor John Connor – Cabinet Member for Environment Services  
Telephone: 01243 604243 E-mail: [jconnor@chichester.gov.uk](mailto:jconnor@chichester.gov.uk)

**2. Executive Summary**

To introduce and seek adoption of the Council's proposed House to House Collection Policy for the Chichester district.
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**3. Recommendation**

**3.1 Members consider and approve the adoption of the proposed House to House Collections Policy for the Chichester district.**

**4. Background**

4.1 House to House Collections are governed by the House to House Collections Act 1939 and the House to House Collections Regulations 1947, as amended.

4.2 A House to House Collection licence enables the holder to undertake door to door collections of money, unwanted property (e.g. clothing) and the sale of goods where any part of the proceeds may go to charity.

4.3 This Council has never previously had a House to House Collection Policy and has relied upon the basic controls contained in the statutory framework. An authority can refuse or revoke a licence for a number of reasons as outlined below:

- If too high a proportion of the proceeds are to be spent on expenses;
- If not enough of the proceeds are to be given to the charity or cause;
- If incorrect information was provided on the application form;

- If the promoter or any other person involved in the collection has been convicted of certain criminal offences, i.e. burglary, blackmail or fraud;
- If the grant of the licence would be likely to facilitate the commission of an offence under Section 3 of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection;
- If the applicant or holder of the licence has failed to exercise due diligence to ensure that the collectors are fit and proper, to ensure compliance with the provisions of the House to House Regulations or to prevent prescribed badges or certificates of authority being obtained other than by authorised persons.

With regard to the above it is considered difficult to make a decision without a policy being in place and would potentially leave the Council open to challenge.

- 4.4 During 2018 this Licensing Authority received complaints regarding alleged unlicensed collections taking place within the Chichester district. Whilst investigating these complaints, it became apparent that the adoption of a localised policy would be beneficial in order to assist in the control of future collections.
- 4.5 A number of recent licensed collections have resulted in an extremely low percentage of the proceeds reported as being given to charities. In one case, it was proposed in an application to give only 15% of the proceeds directly to the charity nominated by the applicant.
- 4.6 Applications for a licence can be granted for any period up to 12 months. Without a policy it is extremely difficult to determine to grant a licence for any shorter period of time.
- In 2017, 41 licences granted, 20 for a period of 12 months.
  - In 2018, 40 licences granted, 21 for a period of 12 months.
- 4.7 Officers have undertaken research regarding policy development involving discussions with other local authorities. Having carefully considered a number of licensing authority policies from across the country, elements of these have naturally been incorporated into our draft. In particular, policies from the following authorities were reviewed: Blackpool, East Lindsey, East Northamptonshire, Epsom and Ewell, Kirklees, Slough and Wycombe.

## **5. Outcomes to be Achieved**

- 5.1 Provision of a clear and fair framework for those wishing to undertake collections on the Chichester district.
- 5.2 To enable equity amongst charities/charitable organisations in terms of the number of collections undertaken in a calendar year.
- 5.3 To avoid areas of the district becoming saturated by regular and repeated collections.
- 5.4 To protect residents from unlicensed collections so far as reasonably practicable and to ensure that anyone donating money or clothing can be sure that a significant percentage of the collection proceeds will go to the charity.

- 5.5 To ensure that charities receive an appropriate percentage of the proceeds from a collection.
- 5.6 The adoption and implementation of a policy features in the Licensing Team's current Service Action Plan.

## **6. Proposal**

- 6.1 That the new proposed draft House to House Policy (as set out in Appendix 1) is adopted providing a local framework for the administration and enforcement of matters related to collections.
- 6.2 It is important to implement a policy as we currently have no ability to require a minimum percentage of proceeds to be given to charity. This position is inconsistent with a number of other local authorities and it appears promoters are being attracted to the Chichester district for this reason.
- 6.3 There would be a small number of applicants that would no longer fully meet our requirements should this policy be adopted. Many of these would be due to the proposed increase in percentage of proceeds expected to be given to the charity.
- 6.4 If adopted, the policy would be immediately implemented in relation to new applications only. Current granted licences would not be affected.
- 6.5 Key benefits of the proposed policy are:
- Restriction on the number of collections that can take place in any area on the same day (limited to one);
  - Restriction on the number of collections that any one organisation/charity can undertake per calendar year (limited to two);
  - Restriction on the length of time a collection can be undertaken (maximum 14 consecutive days);
  - Stipulate the percentage of proceeds that must be given to the charity (minimum 70%); and
  - The applicant would be required to evidence that they are fit and proper by way of the results of a criminal convictions record check.

## **7. Alternatives Considered**

- 7.1 Continue to process applications without a House to House Collections Policy relying upon the minimal statutory controls previously referred to.

## **8. Resource and Legal Implications**

- 8.1 Applications are not subject to any fee. Therefore there is no income generated nor lost from the implementation of this policy.
- 8.2 No additional staffing resources would be required. It is anticipated that a policy would reduce and simplify the administration processes.
- 8.3 There are no legal implications identified other than those outlined above.

## 9. Consultation

9.1 No direct consultation has taken place with those who have previously submitted an application. Annually we receive approximately 20 applications from the same promoters with the remainder from a variety of other organisations.

9.2 An amended application form (Appendix 2) was recently introduced which captures information relating to various aspects referred to above. This form has been sent to various parties who have previously submitted an application to this authority. Therefore they will be aware that we are seeking additional information.

## 10. Community Impact and Corporate Risks

10.1 The implementation of this policy may result in a small number of promoters not being able to collect as frequently as they may once have on the Chichester district. However, consequently other charities will naturally benefit as a result of a balanced policy enabling many charities to collect where some have previously monopolised the district.

## 11. Other Implications

Are there any implications for the following?		
	Yes	No
<b>Crime and Disorder:</b> The new policy would require promoters to evidence that they have no criminal history. In addition certain elements of the policy relate to consequences should a collection not be undertaken in accordance with the proposed policy.	X	
<b>Climate Change and Biodiversity</b>		X
<b>Human Rights and Equality Impact</b>		X
<b>Safeguarding and Early Help</b>		X
<b>General Data Protection Regulations (GDPR)</b>		X
<b>Health and Wellbeing</b>		X
<b>Other</b> (please specify)		X

## 12. Appendices

12.1 Appendix 1 – Draft House to House Collection Policy

12.2 Appendix 2 – House to House Application Form

## 13. Background Papers

Fundraising Regulator Code of Fundraising Practice:  
[www.fundraisingregulator.org.uk/code](http://www.fundraisingregulator.org.uk/code)

## **Draft House to House Collections Policy**

### **1. Introduction**

- 1.1 House to House collections are governed by the House to House Collections Act 1939 and the House to House Collections Regulations 1947, as amended.
- 1.2 As a general rule, house to house collections are for charitable, benevolent or philanthropic purposes, whether or not the purpose is charitable within the meaning of the rule of law, are required to be licensed by the authority.
- 1.3 The definition of 'collection' extends beyond requests for money, to include the sale of magazines, requests for unwanted clothing and household items, visits to persuade persons to buy goods, etc. where any part of the proceeds may go to charity.
- 1.4 The only exception to the general rule is for charities that have been granted an Exemption Certificate by the Home Office under the provisions of the House to House Collections Act 1939. This certificate allows a charity to collect in the district without applying for a licence. The charity must inform the authority of the dates and areas of any planned collections.

### **2. Aims**

- 2.1 The aims of the licensing authority are to:
  - Safeguard the interests of both public donors and beneficiaries;
  - Facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met; and
  - Prevent unlicensed collections from taking place.

### **3. Objectives**

- 3.1 In order to achieve its aims, the licensing authority will:
  - Ensure impartiality and fairness in determining applications;
  - Accommodate all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially sought after;
  - Provide equality of opportunity for proposed collectors;
  - Avoid causing undue nuisance to the public;
  - Set fair maximum limits; and
  - Achieve a fair balance between local and national causes.

- 3.2 The licensing authority recommends all parties adhere to the Fundraising Regulator Code of Fundraising Practice developed by the Institute of Fundraising and Public Fundraising Association. A copy of the code of practice can be found at [www.fundraisingregulator.org.uk/code](http://www.fundraisingregulator.org.uk/code)

#### **4. General Principles**

- 4.1 Charities must either be registered with the Charity Commission or, in exceptional circumstances, be accepted as a charitable organisation based in the Chichester district.
- 4.2 Only one collection shall be permitted in an area at any one time.
- 4.3 Applicants must specify the exact area that they propose to collect in and are not permitted to apply for the entire or significant area of the district. For example, 'Selsey, East Wittering, West Wittering and Bracklesham Bay' would be acceptable; however, 'All parishes excluding Oving' would not. The Licensing Authority will naturally endeavour to facilitate collections where there is an overlap of an area within an application (i.e. provide alternative dates or adjust the area proposed to collect in).
- 4.4 Applications will be dealt with on a first come first served basis.
- 4.5 No more than two collections for a particular charity/charitable organisation may be undertaken throughout the district or part thereof during one calendar year.
- 4.6 To give sufficient time to allow as many organisations as possible to undertake a collection, the licensing authority will not grant licences for periods in excess of 14 consecutive days.
- 4.7 There must be a minimum period of 28 days between collections made for the same charity/charitable organisation.
- 4.8 Applications will only be accepted for collections to be held in the current or next calendar year.
- 4.9 Whilst each application will be decided on its individual merit, at least 70% of the total proceeds of the collection must be given to the charity/charitable organisation. Therefore no more than 30% of the total proceeds can be deducted by the collector for expenses/costs relating to the collection.
- 4.10 The promoter must forward a financial return form to the licensing authority within one calendar month of the end date of the collection showing details of the monies collected. No licence will be issued to any applicant that has failed to forward the financial return form in respect of previous collections.

#### **5. Applications**

- 5.1 In order for the necessary checks to be carried out and to leave time for prescribed badges and certificates to be ordered and received from Her Majesty's Stationery

Office (HMSO), it is strongly recommended that applications are submitted a minimum of three months before the proposed date of collection.

5.2 Any application received after the first day of the month preceding the month during which the proposed collection would commence will ordinarily be refused. Where we are satisfied that there are special reasons for the failure to comply with this requirement, we may determine to grant the licence.

5.3 The following information must be submitted with an application:

- Any relevant literature about the charity/charitable organisation;
- Copy of the published accounts for the last two years;
- If you are applying on behalf of a charity/charitable organisation, a letter from the charity/charitable organisation authorising you to undertake a collection on their behalf (commonly referred to as a 'letter of authorisation');
- Any agreement or contract details with the charity/charitable organisation benefitting from the collection;
- A criminal conviction certificate 'Basic Disclosure Check' issued by the Disclosure and Barring Service relating to either the applicant (i.e. promoter) or where the applicant is a company, the Director responsible for overseeing the collection. The certificate must not have been issued earlier than one calendar year prior to the application.

5.4 Applications requesting longer than 14 consecutive days will be refused.

5.5 Applications will be carefully considered on receipt. In the event that further information is requested from the applicant to assist with its determination, this must be provided in a timely fashion. Failure to do so will result in a delay to consideration or ultimately refusal of the application.

5.6 The licensing authority can refuse or revoke a licence for a number of reasons:

- If a too high a proportion of the proceeds are to be spent on expenses;
- If not enough of the proceeds are to be given to the charity/charitable organisation;
- If incorrect information was provided on the application form;
- If the promoter or any other person involved in the collection has been convicted of certain criminal offences, i.e. burglary, blackmail or fraud;
- If the grant of the licence would be likely to facilitate the commission of an offence under Section 3 of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection;
- If the applicant or holder of the licence has failed to exercise due diligence to ensure that the collectors are fit and proper, to ensure compliance with the provisions of the House to House Collection Regulations 1947 or to prevent prescribed badges or certificates of authority being obtained other than by authorised persons.

5.7 There is a right of appeal to the Secretary of State against the refusal or revocation of a licence within 14 days from the date on which the notice is given of the refusal or revocation.

## **6. Conduct during collections**

6.1 The House to House Collection Regulations 1947 (Appendix A) as amended requires that *'no collector shall importune any person to the annoyance of such person, or remain in, or at the doors of, any house if requested to leave by any occupant thereof.'*

6.2 Collectors must not call at properties where residents have displayed a no cold calling sticker or similar indicating that they do not want to be subject to unsolicited visits.

6.3 Consideration will be given to revoking a licence and/or refusing any future application(s) where the authority:

- Receives negative feedback in respect of collections taking place at unsociable hours or with regard to undue pressure/misrepresentation by agents; and/or
- Receives complaints about calls to properties displaying a no cold calling sticker.



**Application for a House to House Collection Licence  
 House to House Collections Act 1939**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

If you are completing this form by hand please write legibly in block capitals. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**Your personal details** Please note: the applicant must be the organiser of the proposed collection

**NAME**

Title	(circle as appropriate): Mr Mrs Miss Ms Other _____ (please state)
Surname	
Forenames	

**Date of Birth:**

**ADDRESS WHERE ORDINARILY RESIDENT** (We will use this address to correspond with you, if you would like any further correspondence to be sent to an alternative address then please also state this below).

**CONTACT DETAILS**

Telephone	
Mobile	
Email	

**ORGANISATION WHICH IS RESPONSIBLE FOR THE COLLECTION** provide a brief description of the organisation and its objectives

**Charity Details**

**Name of Charitable Organisation on whose behalf you are collecting**  
 (If possible please provide the most recent account of the nominated beneficiary)

**Address** (Head Office or Regional Office)

**Registered Charity Number:**

<b>Please confirm that you have been authorised to collect by the above charity</b> <input type="checkbox"/> <b>Please tick ✓</b> (To support your application please include a letter of authorisation from the charity)	
<b>Please provide a brief description of the charitable organisation and its objectives:</b>	
<b>CONTACT NAME of individual you have liaised with at the charity</b>	
Title  Surname  Forenames	(circle as appropriate): Mr Mrs Miss Ms Other _____ (please state)
<b>CONTACT DETAILS</b>	
Telephone  Mobile  Email	
<b>Collection details</b>	
<b>Please state the area(s) in which you wish to collect</b>	
<b>Please state the period during which the collection will be made</b>	
____ / ____ / ____ to ____ / ____ / ____	
<b>During what hours of the day will the collection be held?</b>	
<b>Please state the approx. number of persons that will be authorised to collect</b>	No of collectors ____
<b>How will the collectors be identifiable?</b> (provide details of badge, certificate of authority etc.)	
<b>Please confirm what form the collection will take</b> <input type="checkbox"/> Money <input type="checkbox"/> Direct Debit <input type="checkbox"/> Property	
<b>If you are collecting money please state the method of collection: (Sealed box/can, envelope, other) if other please specify</b>	

**If you are collecting property please state what kind of items are being collected and how they will be used**

Sell  Give Away  Use

**Will 100% of the proceeds be donated to the charity or used for charitable purposes? If no, please state what percentage of the proceeds will be donated to the charity or used for charitable purposes:**

**Do you intend to offer anything for sale during the collection? If so, please state what is intended to be sold:**

**Is it proposed that remunerations should be paid out of the proceeds of the collection**  **Please tick ✓**  
(If so please state at what rates and to what classes of persons. Please include a copy of any fundraising agreement with this application) N.B. Payment cannot be made to collectors, or others, unless details are provided in this form and approved.

#### **Application details**

**Have any other applications for the same purpose been submitted to other authorities**  **Please tick ✓**  
(If so please list the relevant authorities and state the number of persons that will be authorised to collect as a result.)

**Have you or any other person associated with the promotion of this collection, been refused or had a licence or exemption order under the Act revoked**  **Please tick ✓**  
(If so please provide details on a separate sheet if necessary)

**Are you intending to promote this collection in conjunction with a street collection**  **Please tick ✓**  
(If so please indicate whether the accounts of this collection will be combined wholly or in part with the account of the street collection)

**Is the collection for a war charity**  **Please tick ✓**

(Please state if the charity has been registered or exempted from registration under the War Charities Act 1940 and provide the name of the registration authority and date of registration or exemption.)

**Have you, or any person named in or associated with this this application, been convicted of any crime or offence?** (If so please provide details on a separate sheet)

**ADDITIONAL DETAILS** provide any additional information which is required or relevant to your application

### Declaration

**In pursuance of Section 2 of the House to House Collections Act 1939, I hereby apply for a licence authorising me to promote the collection, of which particulars are given above.**

**Please note that if any person in furnishing any information for the purposes of this Act knowingly or recklessly makes a statement false in a material particular, he shall be guilty of an offence.**

**Signature**

**Date**

**Chichester District Council**  
**General Licensing Committee**  
**27<sup>th</sup> February 2019**

**Proposed amendments to existing taxi and private hire licensing policy/conditions and service updates**

**1. Contacts**

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**2. Executive Summary**

For Members to give consideration to and approve proposed amendments to the current Taxi & Private Hire Policy and Conditions and to receive an update on service delivery.
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**3. Recommendation**

**3.1 Members consider and approve proposed changes to the council's existing taxi and private hire policy and conditions.**

**4. Background**

4.1 Officers of the Licensing Team wish to undertake a number of changes to the Council's existing policy and conditions that relate to taxi and private hire licensing functions.

4.2 Members will recall that the existing private hire/taxi licensing policy and conditions were formulated and adopted by the General Licensing Committee in phases, between 2010 and 2012 with subsequent approval for officers to embark upon its review in 2017.

4.3 All current policy documents and private hire/taxi licensing conditions can be viewed on our website via the following link -  
<http://www.chichester.gov.uk/article/25500/Taxi-and-private-hire-licensing---legislation-conditions-and-policy>

The council's current policy is divided into the following sections:

- Driver & Vehicle General Policy
- Private Hire Driver Policy
- Private Hire Vehicle Policy
- Private Hire Operator Policy
- Hackney Carriage Vehicle Policy
- Hackney Carriage Driver Policy

4.4 Since the adoption of the current policy and conditions there have been a number of changes in legislation and working practices. In addition, best practice and national guidance within private hire/taxi licensing has evolved. Furthermore, officers have had several years' experience of working with the existing regime.

## **5. Outcomes to be achieved**

- 5.1 Provision of a clear, revised and fair policy framework for those wishing to enter or remain within the taxi/private-hire profession.
- 5.2 Removal of any ambiguity within the existing taxi/private-hire policy/conditions and to assist with non-compliance work undertaken by the council.
- 5.3 To uphold public safety when administering and enforcing the taxi/private hire licensing regimes.
- 5.4 The review of the existing taxi/private hire policy and conditions are contained within the Service Action Plan for Communications, Licensing & Events 2019 – 2020.

## **6. Proposal**

- 6.1 Officers have highlighted a number of areas, set out below, that are considered worthy of being revisited and, where appropriate, amendments made to ensure that the policy and conditions are 'fit for purpose' moving forward. Subject to Members consideration these matters would then be consulted with the licensed trade and key stakeholders.
- 6.2 It is important to highlight that any additional conditions/requirements will need to be carefully considered in order to promote public safety whilst being mindful of potential impact on those entering or currently within the profession. Notwithstanding this the paramount consideration at all times is to maintain and wherever possible enhance public safety, whether in connection with driver or vehicle related licensing matters.
- 6.3 Whilst the legislation governing taxi and private hire licensing does not place a legal duty on a Local Authority to adopt a policy or review it Members will be aware that by creating such policy it assists with the promotion of public safety and provides a framework for consistent and informed decision making by the council along with clarity for applicants.
- 6.4 It is for this reason that officers propose the initial review of the points set out below with a further comprehensive review of all taxi and private hire licensing policies and conditions at a later date. These will be subject of a separate report(s).

The key considerations are listed below.

## **Drivers**

- Sourcing a third DSA (Driving Standards Agency) provider east of the county to accommodate the high demand of applicants from that area – the council currently uses ‘The Blue Lamp Trust’, based in Hampshire and ‘1st Castle School of Motoring’, based in Bognor and Chichester. This proposal has no policy implications.
- All new applicants, as of 1 April 2019, will only be able to apply for a three (3) year drivers’ licence being entitled to a refund (subject to on-going discussion with other service areas within the council); (Appendix 1)
- Investigate an alternative provider to that already used in order to undertake the required DVLA driving licence checks; this proposal has no policy implications.
- All new driver applications, when submitting a valid Enhanced Disclosure certificate must be signed up to the online update service helping to introduce further efficiencies within the Licensing Team particularly associated with the requirement to monitor all DVLA licenses during and after the requisite three year period. (Appendix 3 and Appendix 4).
- The new offence of using a mobile phone while driving is to be added to the council’s current Convictions Policy using code reference number CU80. It is proposed to add the offence as a Major Traffic Offence. .
- It is proposed to add the banning of ‘vaping’ and the use of e-cigarettes in all Hackney Carriage and Private Hire vehicles. It is intended therefore to insert this into the current driver policies to ensure that passengers do not access a licensed vehicle where such an activity has taken place. (Appendix 3 and Appendix 4).

## **Vehicles**

- Amend the current requirement of the ‘three day’ period to ‘five days’ between the issuing of an MOT and subsequent ‘Fitness Test’ to assist with the demand placed on Chichester Contract Services (CCS – Westhampnett Depot) for scheduled appointments; (Appendix 2)
- Engagement with other Local Authorities and the licensed trade to revisit whether the tilting or displacement of seats to accommodate passengers is a public safety concern or not; (Appendix 2)
- To cease the issue of magnetic door signs, from 1 April 2019, to all new licensed private hire vehicles resulting in the only form of vehicle signage being self-adhesive. Members are asked to give consideration as to whether this is considered appropriate to include those private hire vehicles already licensed and changing the current magnetic signs for adhesive signs. (Appendix 2)
- Revisiting the issue of licensed vehicles on the fleet with tinted windows and to explore the opportunity for further testing by CCS. Not covered in the current policy.

## **7. Alternatives Considered**

- 7.1 To not undertake this initial ‘review’ and continue to process applications and undertake compliance work using the existing policy and conditions.

## **8. Resource and Legal Implications**

- 8.1 All relevant decisions will be taken in accordance with the council's current Constitution and officer scheme of delegation. If appropriate to do so a Committee or Sub Committee thereof will be convened consistent with current policies.
- 8.3 No additional staffing resources would be required. It is anticipated that the proposed policy amendments would reduce and simplify the administration processes.
- 8.4 There are no additional legal implications identified other than those outlined in this report.
- 8.5 Potentially the council may see a reduction in the number of applicants seeking a three year licence but this will be monitored by the Licensing Team and feedback provided to the Committee on any financial impact in terms of income/refunds.

## **9. Consultations**

- 9.1 As part of this review it will be necessary to speak with a number of different bodies to gain feedback and whether there are areas that can be further improved and if so how. Once information has been collated, the policy and conditions will be re-drafted accordingly.
- 9.2 The final stage will be to undertake a formal consultation with key stakeholders and the trade, and amend as appropriate, before presenting updated versions to this Committee for adoption. The nature and length of the public consultation will be determined at a later date but will be based upon national guidance and this Council's own policy in relation to public consultations.

## **10 Update - Knowledge Test**

- 10.1 Members will recall in July 2017 as part of the application process for all private hire and/or hackney carriage drivers a computerised Knowledge Test was introduced to help raise awareness and improve standards in relation to those persons entering the profession. Officers felt it would be helpful to update members on its implementation and future delivery.
- 10.2 The Knowledge Test has been constantly tested and reviewed to ensure it is 'fit for purpose' and appropriately set. The Test is delivered by way of a computerised pre-programmed set of random questions with applicants required to sit and pass certain modules depending on the nature of their application.

The Test includes the following elements:

- Taxi/Private Hire law & policy
- Council's own policy and requirements
- Highway Code and road signs/markings
- Local knowledge of the District i.e. 'places of interest'
- Hackney Carriage geography test
- Prevention of Child Sexual Exploitation (CSE) and Disability Awareness

- 10.3 Since the implementation of the Knowledge Test the council has delivered 514 tests with that figure broken down to 336 new and 178 re-sits as of January 2019.

However, since approximately March 2018 officers have noted a steady increase in demand. .

- 10.4 Steps have been made taken to ensure the delivery of this service is as efficient as possible both in terms of for the applicant(s) and officers. Work has been undertaken with the council’s Customer Services support staff to administer the bookings electronically and to ensure whether any additional requirements of an applicant are met to align with the Equality Act 2010. If additional help is required appropriate measures are put in place.
- 10.5 Officers have also developed pre-populated forms using data held within the council’s existing licensing records to assist applicants with minimising the provision of duplicated data as well as reducing the frequency of errors/omissions. The responsibility rests with the applicant to ensure their data is correct at the time of application and then subject to consideration by the council as part of the determination process.

**11. Community Impact and Corporate Risks**

- 11.1 The proposed changes to the policy may be a deterrent to some applicants/existing license holders although the basis of the amendments will be set out during consultation/engagement with the relevant stakeholders which should be welcomed as a positive move. Attempts to tackle non-compliance by the Licensing Team and removal of any ambiguity within existing policy will hopefully result in achieving a level playing field and be welcomed.

**12. Other Implications**

<b>Are there any implications for the following?</b>		
	Yes	No
<b>Crime and Disorder:</b> The proposed amendments are suggested as a means of further improving compliance amongst the licensed trade and to remove any ambiguity that may exist within the current policy/conditions. Further work is intended as part of a wider comprehensive review at a later date.	x	
<b>Climate Change and Biodiversity</b>		x
<b>Human Rights and Equality Impact</b>		x
<b>Safeguarding and Early Help</b>		x
<b>General Data Protection Regulations (GDPR)</b>		x
<b>Health and Wellbeing</b>		x
<b>Other</b> (please specify)		x

**13. Appendices**

- 13.1 Appendix 1- General Licensing Policy
- 13.2 Appendix 2 – Private Hire Vehicle Policy
- 13.3 Appendix 3 – Hackney Carriage Drivers Policy
- 13.4 Appendix 4 - Private Hire Drivers Policy

**14. Background Papers**

- 14.1 Chichester District Council – existing Taxi and Private Hire Policy and Conditions <http://www.chichester.gov.uk/article/25500/Taxi-and-private-hire-licensing---legislation-conditions-and-policy>

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## Policy and Conditions governing Hackney Carriage Proprietors and Drivers and Private Hire Operators and Vehicle Licences

### Policy Guidance

#### General Information

#### 1. TYPES OF LICENCES

The type of licence required will depend upon the type of work undertaken.

- (i) *Hackney Carriage Proprietors (Vehicle) Licence*
- (ii) *Hackney Carriage Drivers Licence*
- (iii) *Private Hire Drivers Licence*
- (iv) *Private Hire Vehicle Licence*
- (v) *Operators Licence*

#### 2. DURATION OF LICENCES

All vehicle licences are renewable annually and will only be issued for the full period of 12 months.

Driver's licences will normally be issued for a minimum period of 12 months. All renewal applications MUST be accompanied by the DVLA Drivers Licence (paper section) for inspection, accompanied by a Medical Certificate and completed Criminal Records Bureau check form where required.

Please note: Expired Licences cannot normally be renewed after the date of expiry. An expired licence will require a new application which means, in the case of a Hackney Carriage or Private Hire Drivers Licence, a further Criminal Records Bureau check and a full medical examination.

#### 3. LICENCE FEES

Dependant on the specific licence, the fees include elements for administration costs and enforcement, which will be reviewed annually in accordance with statutory provisions. Applicants will be advised of the fees and charges at the time of application or upon request.

#### 4. LICENSING FORMS

The Council provides an application form for Hackney Carriages Vehicle and a Private Hire Vehicle. A single application form is provided for driver's licences for these vehicles as a Dual Licence may be held.



## **5. UNAUTHORISED DRIVERS AND INSURANCE LIABILITY**

Drivers and Proprietors are reminded of the requirements of Part IV of the Road Traffic Act 1988 in relation to the provision of Third Party Insurance (see Section 40 of the 1847 Act and Section 48 of the 1976 Act). No person should act as a driver without the consent of the proprietor and while they hold a valid driver's licence. Proprietors may be liable for insurance offences committed by the driver.

## **6. KNOWLEDGE TEST**

All new applicants for a Hackney Carriage and/or Private Hire Driver's Licence will be required to sit and pass a Knowledge Test of the Chichester District Council area. Further details of the Test can be obtained by contacting the Council offices.

## **7. FITNESS**

All existing drivers are required to undertake a medical examination every four years and annually from the age of 60 years. All new applicants are required to undergo a medical examination by a Doctor to the Group 2 Vocational Standard, based upon the prescribed D4 medical examination required by the DVLA. The medical certificate may be obtained from any Doctor. All charges relating to medical examination are to be paid by the applicant.

This Council will only accept a medical certificate completed by an applicant's own Doctor or a Doctor from the same medical practice who has access to a patient's medical history notes. The same requirement will apply to existing drivers.

On each renewal of a licence, applicants are required to make a declaration as to their physical and mental fitness.

## **8. GOOD CHARACTER**

Applicants are required to submit information on the Application Form concerning their previous employment and history, together with business and personal references. If there is any doubt about the suitability of a person to act as a licensed driver the application will be referred to the Council's Licensing (General Purposes) Sub Committee for determination. If an application is refused there is a Right of Appeal to the Magistrates Court.

Similarly, if at any time there is any reason to doubt that a person is no longer a fit and proper person to hold a drivers and/or operators licence, the matter will again be referred to the Council's Licensing (General Purposes) Sub Committee for determination. There is a right of appeal to the Magistrates Court.



## 9. CONVICTIONS AND CAUTIONS

Any licensed driver shall within seven calendar days report to the council in writing details of any conviction(s), caution(s) or Fixed Penalty Notices for crime or endorsable offences, ASBO's or penalty notices for disorder, imposed on him or her during the period of the licence, including all motoring offences or pending proceedings.

## 10. NATIONAL FRAUD INITIATIVE

This Council is under a duty to protect the public funds it administers, and to this end may use information you have provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these

The Audit Commission currently requires us to participate in a data matching exercise to assist in the prevention and detection of fraud. We are required to provide particular sets of data to the Audit Commission for matching for each exercise, and these are set out in the Audit Commission's guidance, which can be found at [www.audit-commission.gov.uk/nfi](http://www.audit-commission.gov.uk/nfi)

For further information visit the Council's website at <http://www.chichester.gov.uk>  
Email: [finance@chichester.gov.uk](mailto:finance@chichester.gov.uk)

## 11. SUSPENSION, REVOCATION OR REFUSAL OF LICENCES

The Council may suspend, revoke or refuse to renew a licence in accordance with the provisions of Section 60, 61 and 62 of the Local Government (Miscellaneous Provisions) Act 1976.

If a licence is suspended, revoked or is not renewed the Council will give written notice to the licence holder of the grounds for that action within 14 days of such suspension, revocation or refusal. There is a right of appeal to the Magistrates Court.

## 12. CONDUCT/DRESS/APPEARANCE

A high standard of conduct is expected from licensed drivers and operators. All licence holders shall at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.

A licensed driver shall take all reasonable steps to ensure the safety of passengers and on every occasion, reasonable assistance shall be given with a passenger's luggage.

Instances of improper conduct will be viewed most seriously and a record will be maintained of complaints against individual licence holders. Consideration may be given to the suspension, revocation or refusal to renew a licence in the light of a licence holders record.



The driver's licence must be deposited with the Proprietor of the vehicle being driven, either Hackney Carriage or Private Hire. A drivers Licence must be produced within 5 days on request by an Authorised Officer of the Council or a Police Constable (Section 53 of the 1976 Act).

Every driver must co-operate with any Authorised Officer of the Council or Police Constable and in this regard must comply with all reasonable requirements and provide all assistance and information requested of them (Section 73 of the 1976 Act).

### **13. BADGES**

Drivers, whilst working, are required to wear the badge provided by the Council at all times in accordance with the Byelaws or conditions of Licence. Badges shall be in a form prescribed by the Council.

Upon suspension or revocation or expiry of the drivers licence, the driver shall on demand return his badge to the Council. (Section 61(2)(a) of the 1976 Act)

### **14. DRIVING STANDARDS AGENCY TEST**

All new applicants shall be required to undergo a driving test with the Driving Standards Agency, as distinct from the driving test with the DVLA. Licences to drive a hackney carriage or private hire vehicle shall not be granted unless the applicant has successfully passed this test. Where an applicant will be required to carry persons in wheelchairs as part of their daily work, the applicant shall undergo an additional test for Wheelchair Accessible Vehicles.

Existing drivers will not be required to undergo this DSA test. Where it becomes evident that a licensed drivers' driving ability has fallen below the standard considered to be safe or where a driver has acquired between 7 to 9 penalty points on their DVLA driving licence, a licensed driver should undergo the DSA test. If such a test is failed, consideration will be given to suspend a driver's licence until they successfully pass. This decision will only be taken by the Assistant Director (Environmental Health) under existing delegated powers where there is a potential risk to the public.

An applicant or driver would meet the cost of the Hackney Carriage/Private Hire DSA test.

### **15. POINT SYSTEM**

The Council has adopted a 'Penalty Points System'. Its primary objective being to improve the level of compliance and the efficiency of administration of enforcement. Points will be awarded as a reasonable and proportionate remedy to further improve the standards, safety and protection of the travelling public. A copy of the 'Points System' and associated 'Table of Offences' are available at the Council offices and on the Council's website.



## 16. TRANSFER OF VEHICLES

If the proprietor of a vehicle transfers his interest in the vehicle to another person, he shall within 14 days give notice in writing to the Council specifying the name and address of the person to whom the vehicle has been transferred. (Section 49(1) of the 1976 Act ).

## 17. SAFETY EQUIPMENT

### (a) Fire extinguishers

Every licensed vehicle is required to carry a fire extinguisher, which must be approved by the Council. The extinguisher must be secured in the driving compartment of a hackney carriage, and in the boot of a private hire vehicle.

**Note.** An approved extinguisher should be either (a) a dry powder extinguisher of at least 1 kilogram in weight and marked as complying with BS5423, or (b) an AFFF extinguisher of at least 1 litre capacity to BSEN3:1996 all extinguishers must have a visual gauge to indicate the state of charge.

In order to ensure that all vehicles are permanently equipped with a fire extinguisher, the Council's policy shall require that the vehicle registration mark will be permanently written on the extinguisher to avoid its removal and exchange with another vehicle.

### (b) Spare wheel

Many vehicles are no longer fitted with any type of standard spare wheel and the provision for a puncture is met by equipping the vehicle with a 'space saver' spare wheel or 'run flat tyres' or by providing a sealant that can be used to seal and inflate a punctured tyre. In cases where a full sized spare wheel is provided for use, the driver/owner shall continue to use this type of wheel and tyre. Council policy and licence conditions shall allow the provision of a 'space saver' spare wheel if fitted or the provision of a tyre sealant or 'run flat tyres'. All to be in accordance with the manufacturers specifications at the time of first registration by the DVLA. In every case where this occurs the driver/owner shall be required to sign a 'method statement' designed to highlight driver responsibilities with regard to the maximum permitted speed when using these devices and an acknowledgement that these devices are designed only as a 'get-you-home' measure. The punctured tyre shall be repaired and returned to use as soon as practicable.

### (c) Seat belts

Under the Motor Vehicles (Wearing of Seat Belts) Regulations 1993, all occupants of a hackney carriage or private hire vehicle must wear a seat belt. Taxi drivers may claim an exemption if plying for hire, answering a call for hire, or when actually carrying a passenger for hire. The exemption cannot be claimed when driving from home to office, or when not plying for hire. Private hire drivers may only claim an exemption when carrying a passenger for hire.



The Council's licence conditions prohibit the carriage of a child below the age of 10 in the front seat of a vehicle, or more than one person above that age. This means that mothers with babies must be seated in the rear seat.

It is the responsibility of the driver to ensure that children, i.e. under the age of 14, wear seat belts. Child seats must be used in the rear seats with adult seatbelts where the child is up to 3 years of age and under 135 cms (4'5") in height. Children over this age or height may travel using an adult seatbelt only. As far as taxis and private hire are concerned, an adult seatbelt can be used for children of 3 years of age if the right child seat is not available. Children under 3 years of age may travel unrestrained in the rear of a taxi or private hire vehicle if no child seat is available.

#### **(d) Warning Triangle and Reflective Jackets:**

All licensed vehicles will be equipped with a warning triangle and reflective high visibility vests to EU standard EN 471 class 2. This equipment shall be used at the discretion of the driver in order to safeguard all persons in the event of a mechanical breakdown, accident or other emergency.

### **18. VEHICLE SPECIFICATION AND APPEARANCE**

All vehicles must be suitable in type, size and design for use as either a hackney carriage or private hire vehicle or whichever licence is to be applied for.

In addition to complying with the Council's mechanical standard, the vehicle is required to comply with the Council's conditions of fitness relating to fixtures, fittings, and cleanliness for providing passenger comfort.

Vehicles licensed as hackney carriages must conform to the type of construction approved by the Council. They must carry a roof sign with the word "TAXI" clearly visible, and, subject to Council approval, may carry such other form of advertising as considered suitable on the front doors of the vehicle, or alternatively a full body livery advertisement may be applied for. It is not permitted for vehicles to display both types at the same time. In addition to these external advertisements a hackney carriage may display advertisements on the bases of the tip-up seats.

Wheel trims must be provided on all vehicles and must be maintained in good condition so as not to detract from the appearance of the vehicle. They need not be manufacturers replacements, but must be a matching set. It is recommended that all wheel trims be secured into position with plastic ties to prevent loss.



## 19. ACCIDENTS TO HACKNEY CARRIAGE / PRIVATE HIRE VEHICLES

Any accident to a Hackney carriage / private hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle, or the comfort or convenience of the persons carried therein, must be reported to the Council as soon as practicable and in any case within 72 hours of the occurrence. It is the responsibility of **the driver of the vehicle at the time of the accident** to report that accident to the Council's Licensing Office. (Section 50(3) of the '76 Act)

## 20. STOP NOTICES

In addition to the Council's Licensing Officers being nominated as Authorised Officers, VOSA approved vehicle testing staff at Chichester Contract Services shall be nominated as Authorised Officers for the purposes of the LGMPAct '76 and thereby shall be authorised to issue a Stop Notice on any licensed vehicle found to be in a serious unroadworthy condition.

## 21. CCTV IN LICENSED VEHICLES

The Council sees the provision of CCTV inside a hackney carriage or private hire vehicle as being a positive measure to prevent and detect crime. It is important that all licensed drivers have the option to protect themselves and the installation of cctv equipment, inside the vehicle, is an important step to reduce the likelihood of a risk from assault. Furthermore, the sound and image recordings made by the use of this cctv equipment may be used to refute an allegation or as evidence in connection with an offence.

## 22. VEHICLE LOG BOOK

Every licensed proprietor/owner will keep a **Vehicle Log Book**, to be retained with the vehicle at all times and be available for inspection by an Authorised Officer. This document will include details of all maintenance and servicing carried out on the vehicle in accordance with the manufacturers recommended safety inspection and servicing procedures, all inspections made by Authorised Officers/Police or VOSA, any accident damage details and details of the current insurance policy in force for that vehicle.

## 23. DUTY TO ASSIST PASSENGERS IN WHEELCHAIRS

23.1 Under Section 165 of the Equality Act 2010, licensed drivers of designated Wheelchair Accessible Vehicles (WAV) must:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so (For instance - A meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment);
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;



- To take such steps as are necessary to ensure that the passenger is carried in safety (There is a defence available to a driver that it would have not been possible to carry the wheelchair safely in the vehicle) and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

A driver who breaches one or more of the duties outlined above will be liable on summary conviction for each offence to pay a fine not exceeding level 3 on the standard scale. The current maximum level of the fine is £1,000.

- 23.2 Designated vehicles are those listed by the Council under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle'. A list of such vehicles will be published on the Council website. Drivers will be written to if they own or drive a designated WAV which features on the list.
- 23.3 Drivers who have a certifiable medical condition or physical condition, which makes it impossible or unreasonably difficult for them to assist wheelchair users, may apply to the council for an exemption from this duty. Any such application will need to be supported by a letter from the driver's doctor or specialist detailing the following:
- What duties cannot be undertaken;
  - Why they cannot be undertaken;
  - Date the condition was first noted;
  - Whether there are any modifications to the vehicle or the way the driver provides the service that would negate the need for an exemption;
  - For how long the medical exemption will be required for; and
  - To provide any medical reports in support of the request being made.
- 23.4 The Council reserves the right to refer the driver to the Council's own medical or occupational health practitioner if an assessment by a third party medical practitioner is felt necessary. Any additional costs will be borne by the driver.
- 23.5 If an exemption is issued then the notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. The exemption will only apply if the notice of exemption is displayed correctly.
- 23.6 The Council will develop an application process to deal with this particular matter.
- 23.7 If Officers of the Licensing Team have any concerns regarding granting the exemption then the matter will be referred to the Licensing (General Purposes) Sub-Committee to determine. If the application for an exemption is refused then under Section 172 of the Equality Act 2010 there is a right of appeal to the Magistrates Court within 28 days of the date of refusal.



23.8 It is the expectation of the Council that the owner or driver of a WAV is fully conversant in terms of loading, securing and unloading a wheelchair user in a safe manner. The owner or driver should also be aware of any limitations that the vehicle may have in relation to different types of wheelchairs. For instance, any weight limits in relation to ramps.

## **24. CARRYING OF ASSISTANCE DOGS**

24.1 Under Section 168 of the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

A driver who breaches one or more of the duties outlined above will be liable on summary conviction for each offence to pay a fine not exceeding level 3 on the standard scale. The current maximum level of the fine is £1,000.

24.2 It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

24.3 Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. Any such application will need to be supported by a letter from the driver's doctor or specialist detailing the following:

- What duties cannot be undertaken;
- Why they cannot be undertaken;
- Date the condition was first noted;
- Whether there are any modifications to the vehicle or the way the driver provides the service that would negate the need for an exemption;
- For how long the medical exemption will be required for; and
- To provide any medical reports in support of the request being made.

24.4 The Council reserves the right to refer the driver to the Council's own medical or occupational health practitioner if an assessment by a third party medical practitioner is felt necessary. Any additional costs will be borne by the driver.

24.5 If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs.



- 24.6 If an exemption is issued then the notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. The exemption will only apply if the notice of exemption is displayed correctly.
- 24.7 The Council will develop an application process to deal with this particular matter.
- 24.8 If Officers of the Licensing Team have any concerns regarding granting the exemption then the matter will be referred to the Licensing (General Purposes) Sub-Committee to determine. If the application for an exemption is refused then under Section 172 of the Equality Act 2010 there is a right of appeal to the Magistrates Court within 28 days of the date of refusal.



## Private Hire Vehicles

A Private Hire Vehicle is defined in Section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976 as:

*“a motor vehicle constructed or adapted to seat fewer than nine passengers, (other than a Hackney Carriage or Public Service Vehicle), which is provided for hire with the services of a driver for the purpose of carrying passengers.”*

A Private Hire Vehicle Licence is required by the proprietor of that vehicle before he permits it to act as a Private Hire Vehicle (Section 48 of the LG (MP) A 1976). A Private Hire Licence will be granted for the vehicle provided it meets the design and appearance requirements of the Council.

All vehicles used in a private hire operation must be licensed by the Council and duly plated.

**Once a vehicle is licensed as a Private Hire it is so licensed 24 hours a day, 7 days a week and can only ever be driven at any time by a person who holds the appropriate Private Hire licence.**

### 1. METERS

A Private Hire Vehicle need not be fitted with a meter.

The Council does not fix Private Hire tariffs.

### 2. EXEMPTIONS FROM PHV LICENSING REQUIREMENTS

The Council may, by prior written notice, exempt the need for an operator to display the licence plate on a vehicle when the need for a driver to wear the personal badge is also waived. Where this exemption is granted the vehicle operator shall be issued with an exemption Statement of Declaration and a small licence plate which should be displayed inside the vehicle on either the front or rear window. The Statement of Declaration shall be retained in the vehicle at all times. The licensed driver shall not be required to wear their driver's badge but should have the badge with them.

Application made to the Council for an Exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 will be determined by the Council as an adopted standard, namely for executive hire, journeys solely for a corporate customer or customers or where a private hire vehicle is used only for airport journeys.

**If at any time, the Exempted Vehicle is used for 'mainstream' short haul private hire bookings, the exemption shall not apply and all standard vehicle marking requirements shall apply in full.**

In cases where an exemption no longer applies the previously exempted vehicle must revert to the display of the licence plate and the driver must also wear his/her licence badge.

### **3. DISTINGUISHING FEATURES**

It is a legal requirement that Private Hire and Hackney Carriage Vehicles are readily distinguishable from each other. Section 48 of the 1976 Act provides that a Private Hire Vehicle shall not be of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage.

The Council therefore requires that all Private Hire Vehicles are to be readily identifiable by the yellow licence plate affixed to the rear of the vehicle on the outside. In addition, two small licences are issued, one providing details of the driver and the other details of the vehicle. These licences must be affixed to the inside front windscreen.

Furthermore, all licensed Private Hire Drivers are issued with a personal identification badge. This has to be worn at all times when the licence holder is driving a Private Hire Vehicle.

Vehicles licensed for private hire are not permitted to carry any roof signs or external advertising, other than a 58mm (2¼") high strip across the base of the rear window showing the name of the private hire operator and telephone number. The sign must not contain the words "taxi" or "cab", or any other similar type of wording that could or might mislead the public into believing the vehicle is a hackney carriage.

Where a private hire vehicle is used for 'mainstream' short haul private hire work, in addition to the licence plate, private hire vehicle owners/operators will be required to affix a sign on both rear doors indicating that the vehicle **has** to be 'pre-booked'. The additional doorplates shall include the Council's logo and the vehicle licence number.

### **4. VEHICLE SPECIFICATION**

The Council requires that all vehicles must be suitable in type, size and design for the use as a licensed Private Hire Vehicle.

Section 48 of the 1976 Act also requires in addition that a Private Hire Vehicle must not be of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage. In addition a Private Hire Vehicle must be in a suitable mechanical condition, safe and comfortable.

All Private Hire Vehicles first licensed with the Council will comply with **Euro 4** as a minimum vehicle emissions standard and requirement.

Existing licensed Private Hire Vehicles will not be affected by the revised emissions standard except on replacement.

The emission standard required in respect of the above condition will vary with the elapse of time.

Passenger seating capacity of vehicles must not exceed 8 in number. No vehicle will be licensed where access to any row of seats cannot be achieved without recourse to either tilting or displacing permanently installed or occasional passenger or driver seating. Every forward facing passenger seat must be provided with a lap and diagonal seatbelt except where there is no likelihood of a frontal impact injury being caused to a passenger's head or face, in which case a lap belt only would be permitted. No longitudinal seating will be permitted except in speciality vehicles such as stretched limousines.

## **5. SAFETY EQUIPMENT**

### **(a) Fire extinguishers**

Every licensed vehicle must carry a fire extinguisher of a type approved by the Council. The extinguisher must be secured in the boot of a private hire vehicle.

**Note.** An approved extinguisher should be either (a) a dry powder extinguisher of at least 1 kilogram in weight and marked as complying with BS5423, or (b) an AFFF extinguisher of at least 1 litre capacity to BSEN3: 1996 all extinguishers must have a visual gauge to indicate the state of charge.

All Private Hire Vehicles will be equipped with a fire extinguisher. The Council's policy shall require that the vehicle registration mark will be permanently written on the extinguisher to avoid removal and exchange with another vehicle.

### **(b) Spare wheel**

Many vehicles are no longer fitted with any type of standard spare wheel and the provision for a puncture is met by equipping the vehicle with a 'space saver' spare wheel or 'run flat tyres' or by providing a sealant that can be used to seal and inflate a punctured tyre. In cases where a full sized spare wheel is provided for use, the driver/owner shall continue to use this type of wheel and tyre. Council policy and licence conditions shall allow the provision of a 'space saver' spare wheel if fitted or the provision of a tyre sealant or 'run flat tyres'. All to be in accordance with the manufacturers specifications at the time of first registration by the DVLA.

In every case where this occurs the driver/owner shall be required to sign a 'method statement' designed to highlight driver responsibilities with regard to the maximum permitted speed when using these devices and an acknowledgement that these devices are designed only as a 'get-you-home' measure. The punctured tyre shall be repaired and returned to use as soon as practicable.

### **(c) First Aid Kits**

Every licensed hackney carriage shall carry a suitable first aid kit for use in an emergency.

### **(d) Seat belts**

Under the Motor Vehicles (Wearing of Seat Belts) Regulations 1993, all occupants of a hackney carriage or private hire vehicle must wear a seat belt. Private hire drivers may only claim an exemption when carrying a passenger for hire.

The Council's licence conditions prohibit the carriage of a child below the age of 10 in the front seat of a vehicle, or more than one person above that age. This means that mothers with babies must be seated in the rear seat.

It is the responsibility of the driver to ensure that children, i.e. those under the age of 14, wear seat belts. Child seats must be used in the rear seats with adult seatbelts where the child is up to 3 years of age and under 135 cms (4'5") in height. Children over this age or height may travel using an adult seatbelt only. As far as private hire vehicles are concerned, an adult seatbelt should be used for children of 3 years of age if the right child seat is not available. Children under 3 years of age may travel unrestrained in the rear of a private hire vehicle if no child seat is available.

### **(e) Warning Triangle and Reflective Jackets**

All licensed vehicles will be equipped with a warning triangle and reflective high visibility vests to EU standard EN 471 class 2. This equipment shall be used at the discretion of the driver in order to safeguard all persons in the event of a mechanical breakdown, accident or other emergency.

## **6. VEHICLE LOG BOOK**

Every licensed proprietor/owner will keep a **Vehicle Log Book**, to be retained with the vehicle at all times and be available for inspection by an Authorised Officer. This document will include details of all maintenance and servicing carried out on the vehicle in accordance with the manufacturers recommended safety inspection and servicing procedures, all inspections made by Authorised Officers/Police or VOSA, any accident damage details and details of the current insurance policy in force for that vehicle.

## **7. CCTV in VEHICLES**

The Council sees the provision of CCTV inside a hackney carriage or private hire vehicle as being a positive measure to prevent and detect crime. It is important that all licensed drivers have the option to protect themselves and the installation of cctv equipment, inside the vehicle, is an important step to reduce the likelihood of a risk from assault. Furthermore, the sound and image recordings made by the use of this cctv equipment may be used to refute an allegation or as evidence in connection with an offence.

## 8. MECHANICAL STANDARD and VEHICLE TESTS

A licensed Private Hire vehicle shall be presented for a MoT and Council Fitness Test in accordance with the following structure:

Less than 1 year old	–	no MoT or Fitness Test is required
1 year or over	–	MoT and Fitness Test required every 12 months.
5 years or over	–	MoT and Fitness Test required every six months.

A vehicle may be presented to the Council's Workshops for both the MoT and Fitness Test.

Alternatively, the owner of a licensed Private Hire vehicle may obtain a MoT examination at any VOSA approved testing station. The vehicle must be presented to the Council for the subsequent Fitness Test within 3 working days from the date of the successful MoT pass and re-test. In the event that a vehicle fails the Fitness Test, the vehicle should be presented for a re-test as soon as practicable.

All Private Hire vehicles will be tested in accordance with the Hackney Carriage and Private Hire National Inspection Standards published jointly by the Public Authority Transport Network and the Freight Transport Association.

All Private Hire Vehicles presented to the Council's workshop for the Fitness Test will be examined by reference to this National Inspection Standard.

The examination certificate supplied should be returned to the Council's Licensing Office along with the completed licence application form where appropriate. The applicant will pay for the charge for these examinations.

Following a Private Hire Vehicle successfully passing a Fitness Test by the Council's Vehicle Tester, a Fitness Certificate will be issued. The certificate MUST be presented to the Council along with the applicable MoT pass certificate and correctly completed application.

Periodic testing may also be required in accordance with Sections 50 and 68 of the Local Government (Miscellaneous Provisions) Act 1976. This is to ensure that all licensed vehicles are maintained in a roadworthy and safe condition. In the event of the Licensing Officer having reasonable cause to suspect that a licensed vehicle may be unroadworthy that Officer may require the Proprietor or driver of that vehicle to submit that vehicle for an immediate mechanical inspection (Section 68). The Proprietor will be required to pay the cost of that inspection and any further re-inspection in the event of the vehicle failing.

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## Hackney Carriage Drivers

An individual requires a Hackney Carriage Driver's Licence before they can drive a Hackney Carriage. In addition the vehicle will require a Hackney Carriage Vehicle Licence also known as a Hackney Carriage Proprietor's Licence. (Section 37 TCPA 1847)

It is an offence to ply for hire unless both the driver and the vehicle are licensed.

The Chichester District Council 'Hackney Carriage Byelaws', together with the relevant statutory provisions, lay down the Code of Conduct and requirements relating to Hackney Carriage Drivers.

### 1. ELEGIBILITY

The application requirements for a Hackney Carriage Driver's Licence are that the applicant must:

- hold and have held a Full Drivers Licence for at least 12 months;
- be a fit and proper person for the duties of driving a Hackney Carriage vehicle for public/private hire. Any convictions or cautions, including motoring offences will be considered in the light of the Council's Policy Guidelines for Convictions;
- be physically and mentally fit;
- be over the age of 21;
- pass the Council's 'Knowledge Test';
- provide business and/or personal references to the satisfaction of the Council.

In addition to these provisions, all applicants for a Hackney Carriage Driver's Licence shall be required to successfully pass a driving test with the Driving Standards Agency (DSA). As all Hackney Carriages are Wheelchair Accessible Vehicles, the DSA test shall include an additional component on the carriage of persons in wheelchairs. This test shall be at the expense of the applicant.

Existing drivers will not be required to undergo this DSA test. Where it becomes evident that a licensed drivers' driving ability has fallen below the standard considered to be safe or where a driver has acquired between 7 to 9 penalty points on their DVLA driving licence, a licensed driver should undergo the DSA test. If such a test is failed, consideration will be given to suspend a driver's licence until they successfully pass. This decision will only be taken by the Assistant Director Environmental Health) under existing delegated powers where there is a potential risk to the public.

An applicant or driver would meet the cost of the Hackney Carriage/Private Hire DSA test.

## **2. FITNESS**

All new applicants are required to undergo a medical examination by a Doctor to Group 2 Vocational Standard, based upon the prescribed D4 medical examination required by the DVLA. In addition, all existing drivers are required to undertake a medical examination every four years and annually from the age of 60 years.

This Council shall only accept a medical certificate completed by an applicant's own Doctor or a Doctor from the same medical practice who has access to a patient's medical history notes. The same requirement shall apply to existing drivers.

On each renewal of a licence applicants are required to make a declaration as to their physical and mental fitness.

## **3. POLICE CHECK**

All new applicants are required to obtain a Standard level Criminal Records Bureau (CRB) search. All existing Drivers will be required to complete a CRB search every three years.

## **4. CONVICTIONS and CAUTIONS**

Any licensed driver shall within seven calendar days report to the council in writing details of any conviction(s), caution(s) or Fixed Penalty Notices for crime or endorsable offences, ASBO's or penalty notices for disorder, imposed on him or her during the period of the licence, including all motoring offences or pending proceedings.

## Private Hire Drivers

An individual requires a Private Hire Driver's Licence before they can drive a Private Hire Vehicle. In addition the vehicle being driven will require a Private Hire Vehicle Licence. (Section 51, LG (MP) A 1976)

Private Hire Driver's Licences are issued subject to the conditions of the Licence and the relevant provisions of the Local Government (Miscellaneous provisions) Act 1976.

### 1. ELIGIBILITY

The application requirements for a Private Hire Driver's Licence are that the applicant must:

- hold and have held a Full Drivers Licence for at least 12 months;
- be a fit and proper person for the duties of driving a Private Hire Vehicle. Any convictions or cautions, including motoring offences will be considered in the light of the Council's Policy Guidelines for Convictions at the time of application;
- be physically and mentally fit;
- be over the age of 21;
- provide business and/or personal references that are satisfactory to the Council.

In addition to these provisions all applicants for a Private Hire Driver's Licence shall be required to successfully pass a driving test with the Driving Standards Agency (DSA), as distinct from the DVLA driving test. Where it is considered appropriate, the test shall include the component for Wheelchair Accessible Vehicles.

Existing drivers will not be required to undergo this DSA test. Where it becomes evident that a licensed drivers' driving ability has fallen below the standard considered to be safe or where a driver has acquired between 7 to 9 penalty points on their DVLA driving licence, a licensed driver should undergo the DSA test. If such a test is failed, consideration will be given to suspend a driver's licence until they successfully pass. This decision will only be taken by the Assistant Director (Environmental Health) under existing delegated powers where there is a potential risk to the public.

An applicant or driver would meet the cost of the Private Hire DSA test.

Further details of the Test can be obtained from the Licensing Officer.

### 2. FITNESS

All new applicants are required to undergo a medical examination by a Doctor to the Group 2 Vocational Standard, based upon the prescribed D4 medical examination required by the DVLA. In addition, all existing drivers are required to undertake a medical examination every four years and **Page 47** from the age of 60 years.

This Council shall only accept a medical certificate completed by an applicant's own Doctor or a Doctor from the same medical practice who has access to a patient's medical history notes. The same requirement shall apply to existing drivers.

On each renewal of a licence applicants are required to make a declaration as to their physical and mental fitness.

### **3. POLICE CHECK**

All new applicants are also required to obtain at their own expense a Standard level Criminal Records Bureau (CRB) search. All existing Drivers will be required to complete a CRB search every three years.

### **4. CONVICTIONS AND CAUTIONS**

Any licensed driver shall within seven calendar days report to the council in writing details of any conviction(s), caution(s) or Fixed Penalty Notices for crime or endorsable offences, ASBO's or penalty notices for disorder, imposed on him or her during the period of the licence, including all motoring offences or pending proceedings.